

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5080 of 2021

1 PRABHAKARAN

[PETITIONER / ACCUSED]

2 DEEPA

3 ROOBA

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

THIRUTHURAIPOONDI,

TIRUVARUR DISTRICT.

CR.NO.5 OF 2021.

For Petitioner : M/S.KTG.PORCHEZHIAN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.5 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 376 , 417 and 506(i) of IPC, seek anticipatory bail.

2. The petitioners are A1 to A3. The petitioners 2 and 3 are sisters of the 1st petitioner. The allegation is that the 1st petitioner was in love with the de facto complainant and feigning love, he had sexual relations with the de facto complainant. When the de facto complainant insisted the 1st petitioner to marry her, he had refused to marry her and also criminally intimidated her. Hence, the case came to be registered on a complainant from the de facto complainant

3. The learned counsel for the petitioners submitted that the 1st petitioner and de facto complainant were in love with each other, but, the 1st petitioner had never had physical relations with her at

any point of time. The 1st petitioner was ready and willing to marry her, but, due to family circumstances, he was not in a position to marry her. However, a false complainant has been given against him as the he had physically abused the de facto complainant on multiple occasions after making false promise that he would marry her.

4. The learned counsel further submitted that the petitioners 2 and 3 are sisters of the 1st petitioner and they have no way connected with the allegations and they are married and living separately. The petitioners are ready to abide by any condition that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor on the other hand stoutly opposed the petition for anticipatory bail. According to him there are allegations of sexual abuse as against the 1st petitioner and investigation is pending. He, however, fairly submitted that there is no serious allegation against the petitioners 2 and 3 who are sisters of the 1st petitioner.

6. Considering the serious nature of allegations made against the 1st petitioner and the other circumstances of the case, this court is of the consider view that it is not a fit case for granting anticipatory bail to the 1st petitioner. However, considering the fact that there is no serious allegations made against the petitioners 2 and 3 who are the sisters of the 1st petitioner and they are married and living separate life and custodial interrogation will not be required in so far as the petitioners 2 and 3 are concerned, this court is inclined to grant bail to them on certain conditions.

a) Accordingly, the petitioners 2 and 3 are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners 2 and 3 shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 2 and 3 shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 have been released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

This Criminal Original Petition is ordered only insofar as it relates to petitioners 2 and 3 subject to the above conditions and the petition insofar as it relates to 1st petitioner stands dismissed.

-sd/-

22/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI,
TIRUVARUR DISTRICT.

CC to M/S.KTG.PORCHEZHIAN Advocate on payment of necessary
charges SR.NO. 3837

CRL OP.5080/2021

Date :22/03/2021

rvr 30/03/2021