

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7394 of 2021

S.RAHUL

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
PALLADAM.  
CR.NO.02/2021

For Petitioner : M/S. J.KINGSLY SOLOMON Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294 (b), 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.02 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are studying in the same college and that the petitioner approached the defacto complainant through his mobile phone and proposed love for the past 6 months and compelled her to accept his love and that when she refused to accept the same, the petitioner threatened her that he will attack her with acid. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) would submit that that the petitioner and the defacto complainant are studying in the same college and that the petitioner approached the defacto complainant through his mobile phone and proposed love for the past 6 months and compelled her to accept his love and that when she refused

to accept the same, the petitioner threatened her that he will attack her with acid. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. On going through the typed set of papers, wherein the photographs taken by the petitioner and the defacto complainant together are attached, it is seen that they were in very close relationship and the messages exchanged between the parties also show that there has been a close relationship between the parties. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner.

6. The petitioner shall not indulge in such activities and concentrate on his studies and get educated and then, settle down in life.

7. Accordingly, the petitioner is 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 No. I, Palladam on condition that the petitioner shall execute 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

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

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/04/2021

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,  
NO.I, PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
PALLADAM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. J.KINGSLY SOLOMON Advocate on payment of necessary charges Sr.5121

CRL OP.7394/2021

Date :20/04/2021

RVR 24/06/2021