



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2021

CORAM :

WEB COPY

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.11000 of 2021

S.Anandaraj @ Anand Siddharth

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
W20-All Women Police Station,
Saidapet, Chennai.
[Crime No.1 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.01 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr. M.Premkumar

For Respondent : Mr.L.Baskaran,
Government Advocate
[Criminal Side]

O R D E R

(The case has been heard through video conference)

The petitioner/A1, who apprehends arrest in connection with the case in Crime No.1 of 2021 on the file of the respondent police registered for the alleged offence u/s 376, 417, 420, 294 (b), 506(ii) and 509 of IPC, seeks anticipatory bail.

2. The de facto complainant is stated to be a practising lawyer. The petitioner has been arrayed as A1 in the case. The case of the prosecution is that the de facto complainant and the petitioner said to have developed friendship through social media platform which later on turned into love. The petitioner, after giving false promise that he would marry her, had physical relationship with her on multiple occasions. But, later on, he had refused to marry her. When she questioned the same, the petitioner and his friends, who have been arrayed as A2 to A7, have abused her in filthy language, insulted her modesty, criminally intimidated her and also spread false information about her modesty on social media platforms.



3. The learned counsel for the petitioner would submit that the petitioner and the de facto complainant were only friends and the petitioner had never promised to marry her and had physical relations at any point of time. The de facto complainant expressed her love to the petitioner and wanted to marry her. When the petitioner has not accepted the love proposal, a false complaint has been given against him. A2 to A7 have been granted anticipatory bail. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor would stoutly oppose the petition for anticipatory bail. He would submit that serious allegation of rape is made and the investigation is pending.

5. This is second petition for anticipatory bail. Earlier, this court had refused to grant anticipatory bail mainly on the ground that there were serious allegations made against the petitioner and custodial interrogation may have required. The occurrence is said to have taken place long back. A2 to A7 have been granted anticipatory bail. The statement of the victim under Section 164 of Cr.P.C. has also been recorded. Substantial investigation is over and at this point of time, custodial interrogation of the petitioner will not be required. Considering the above and the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on his 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/06/2021

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W20 ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.PREMKUMAR Advocate on payment of necessary charges

CRL OP.11000/2021

Date :29/06/2021

MK:16/07/2021