

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7933 of 2021

VINOTH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.
CR NO.1/2021.

[RESPONDENT]

For Petitioner : M/S.J.ARUL Advocate

For Respondent : M/S.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/A6, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 376, 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment Act, 2002, in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant loved each other and on a false promise to marry the defacto complainant, A1 had sexual intercourse with her and thereafter refused to marry. When the parents of the defacto complainant asked A1 to marry their daughter, the petitioner/A6, who is the relative of A1 along with other accused persons, abused the defacto complainant and her family and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioner .

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on a false promise to marry the defacto complainant, A1 had sexual intercourse and thereafter refused

to marry. When this was questioned, the petitioner/A6 along with other accused persons threatened the defacto complainant and her family members with dire consequences. He further submitted that already A2 to A5 were grnted anticipatory bail by this Court on 15.04.2021 in Crl.O.P.No.6585 of 2021.

5.Taking into consideration the facts and circumstances of the case and also the fact that the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Additional Mahila Judge, Additional Mahila Court, Alandur, 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 two weeks 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
28/04/2021

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 ADDITIONAL MAHILA COURT,
ALANDUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADYAR,
CHENNAI.

+1 CC to M/S.J.ARUL Advocate on payment of necessary charges
SR.NO.5450

CRL OP.7933/2021

Date :28/04/2021

TA-17/05/2021

सत्यमेव जयते

WEB COPY