

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8506 of 2021

V.Hariprasath

.. Petitioner

Vs.

The State represented by  
The Inspector of Police,  
All Women Police Station,  
Kancheepuram,  
Kancheepuram District.  
Crime No.03 of 2021

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.03 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 354 (A) (1) (i), 354 (B) IPC, r/w 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.03 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 loved each other. On one occasion, in the absence of his parents, the petitioner invited the defacto complainant to his house and tried to misbehave with her. Hence, the de-facto complainant lodged a complaint before the Inspector of Police, All Women Police Station, Malmaruvathur and her complaint was transferred to All Women Police Station, Kancheepuram.

3.The learned counsel for the petitioner has stated that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.It is stated by the learned Government Advocate (Crl.side) appearing for the respondent police that the petitioner misbehaved with the de-facto complainant and attempted to outrage her modesty and hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.2, Kancheepuram, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 once for a period of one month, 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].

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

-sd/-  
12/05/2021

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.2, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KANCHEEPURAM,  
KANCHEEPURAM DISTRICT.

5 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MALMARUVATHUR.

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

WEB COPY

CRL OP.8506/2021

Date :12/05/2021

cs 06/07/2021