

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Sixth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8545 of 2021

R.EASWARAMOORTHY

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

AVINASHI, TIRUPPUR DISTRICT.

CR.NO.03/2021.

[ RESPONDENT ]

For Petitioner : M/S.K.GAJENDIRAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate ( CrI. 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 offences punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC in Crime No.3 of 2021, seeks anticipatory bail.

2. The petitioner is the husband of the de facto complainant. The case of the prosecution is that the petitioner sexually harassed the de facto complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de facto complainant are living separately and the petitioner will co-operate for the investigation and he will not disturb the de facto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner sexually harassed the de facto complainant and hence, he opposed to grant 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. 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, Avinashi, Thirupur District, 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 at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner should not try to contact the de facto complainant either directly or indirectly in any manner and he shall not come in the vicinity of the de facto complainant wantonly.

[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/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

-sd/-

06/05/2021

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,  
AVINASHI, THIRUPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
AVINASHI, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.8545/2021

Date : 06/05/2021

RVR 02/07/2021

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