

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P. No. 9004 of 2021

A. Sudhakar

... Petitioner

Versus

The State represented by
The Inspector of Police
Bhavani Police Station
Bhavani,
Erode District - 638 301

... Respondent

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. 197 of 2021 on the file of the respondent police.

For Petitioners : Mr. S.R.R. Raghavan

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

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police in connection with the registration of the case in Crime No. 197 of 2021 for the offence punishable under Section 294 (b), 352 and 354 of Indian Penal Code and Section 4 of Women Harassment Act and seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner intimidated the defacto complainant by using filthy language and assaulted her, hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner and the defactu complainant are neighbours. At the request of the defacto complainant, the petitioner paid Rs.1 lakh to enable her to start a tailoring shop but when the petitioner demanded repayment of the amount, a false complaint has been given by her.

4. The learned Government Advocate (crl.side) appearing for the respondent/police submitted that on the basis of the complaint given by the defacto complainant, in which a cognisable offence has been

made out, the case in Crime No. 197 of 2021 was registered and investigation is pending.

5. Taking note of the facts and circumstances and the submissions made, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Bhavani, Erode 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.

[c] 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 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,
BHAVANI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
BHAVANI,
ERODE DISTRICT-638 301.

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

CRL OP.9004/2021

Date :12/05/2021

TA-02/07/2021



WEB COPY