

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9171 of 2021

Lakshmanasamy

.. Petitioner/Accused-1

Vs.

The State represented by
Inspector of Police
All Women Police Station
Pollachi
Coimbatore District
(Crime No.10 of 2020)

.. Respondent/Complainant

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 by the respondent police concerned in Crime No.10 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.V.N.Ponraj

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest in the hands of the respondent police for the alleged offences punishable under Sections 354(A) and 498 (A) of IPC in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Kanchana Devi is that she got married to one Rangasamy on 14.04.2016. Since he is a driver, he used to come home once in three days. Taking advantage of the same, his brother/A1/the petitioner herein, had attempted to have illicit relationship with the complainant. It is further alleged that the indecent and immoral attempt was informed to her mother-in-law/A2 and her husband/A3. However, they did not bother about the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second application for anticipatory bail. The petitioner had earlier filed a petition in Cr1.O.P.No.14931 of 2020

along with his mother and brother for anticipatory bail whereas, this Court by order dated 23.09.2020, had granted anticipatory bail to his mother and brother alone and dismissed the petition insofar the petitioner is concerned. He further submitted that there was a matrimonial dispute between A3 and the defactocomplainant and thereby, a false complaint has been given against the petitioner. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant married to one Rangasamy in the year 2016 and the petitioner is the brother of the said Rangasamy. The defacto complainant's husband/A3 used to come home once in three days. Taking advantage of the same, the petitioner/A1 has given sexual torture to the defacto complainant. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact and circumstances of the case and also of the fact that co-accused in this case have been granted anticipatory bail by this Court, 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-I, Pollachi**, 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. until further orders.

[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/-
13/05/2021

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.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI,
COIMBATORE DISTRICT.

+1 CC to M/S.V.N.PONRAJ Advocate on payment of necessary charges SR.NO.6154

CRL OP.9171/2021

Date :13/05/2021

TA-16/06/2021

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