

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10320 of 2021

1 Ganapathi
2 Malliga
3 Paranthaman
4 Lakshmi

... Petitioners

Vs.

The State rep by,
The Inspector of Police,
All Women Police Station,
Thiruthani,
Tiruvallur-602 001.
(Crime No.05 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.05 of 2021 on the file of the respondent police.

For Petitioners: Mr.R.Vivekananthan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 354D(2), 506(1) of IPC, 12 of Protection of Child from Sexual Offences Act, 2012, 67A of Information Technology Act, 2000 and Section 4 of Tamil Nadu Prohibition Harassment of Women Act, 2002 in Crime No.05 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter namely Suganthi/victim girl, aged about 17 years, studying in 11th standard at Erode. On May 2020 the defacto complainant's relative one O.P.Elongovan/accused No.1 had been following the victim and claiming to be in love and had been trying to seduce the victim; the accused No.1 forced the victim to accept his love and threatened the victim by saying he will write her name in a letter and commits suicide if she denies his love proposal. The accused No.1 used to send obscene messages and his sexually explicit videos to the victim and forced her to see it. Al's brother also sent obscene messages through Facebook from his ID and

threatened the victim girl. The parents of the accused No.1 used to talk to the victim girl and influenced her to marry their son A1. Due to the mental pressure given by A1 and his family members, the victim girl attempted to commit suicide. Based on the complaint given by the mother of the victim girl, the case came to be registered.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits Elangovan/A1 was already arrested and kept in judicial custody and it is purely a love affair and the petitioners(A2-A5) herein have nothing to do with the alleged offence as they are only the family members of the A-1. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to mental pressure given by A1 and his family members, the victim girl attempted to commit suicide. He further submits that statement u/s 164 Cr.P.C. has been recorded from the victim girl. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the records including 164 statements recorded from the victim girl.

6. On perusal of the statement recorded u/s 164 Cr.P.C. from the victim, it is seen that A1 fell in love with the victim and forced her to love him. A1 and his brother sent some obscene messages through Facebook to the victim girl and the parents of A1 also compelled the victim girl to marry A1. The issue being one of a love affair between two families which has led to the filing of the complaint and in view of the nature of offences committed, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Mahila Court, Tiruvallur on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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/-
24/06/2021

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 SESSIONS JUDGE,
MAHILA COURT, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHANI, TIRUVALLUR - 602 001.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10320/2021

Date :24/06/2021

MN-07/07/2021