

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.14524 of 2020

G.SAMINATHAN

[PETITIONER / ACCUSED]

Vs

STATE BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASI,
TIRUPPUR DISTRICT.
(CRIME NO.6 OF 2020)

[RESPONDENT]

For Petitioner : M/S.C.PRAKASAM Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 354(A) and 506(1) IPC @ under Section 5(1) r/w 6, 7 r/w 8 of POCSO Act 2012 and 506(1) IPC, in Crime No.6 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, a minor girl, belongs to Thiruvavur District and was working in the petitioner's Textile company at Tiruppur District. On 28.08.2020, the petitioner went to the defacto complainant room and sexually assaulted her and also criminally intimidated her. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner was running a textile mill and having more than 400 employees working in the company. He would further submit that the habit of the defacto complainant to make false allegations and black mailing to extract money, she has filed various similar complaints against many factory owners. He would submit that the victim is aged about 19 years, and the offence of POCSO Act will not be

attracted. He would further submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant belongs to Thiruvavur District and working in the petitioner's company, The allegation is that on 28.08.2020, the petitioner went to the defacto complainant room and sexually assaulted her and also criminally intimidated her. He would further submit that the statement of victim under Section 164 of Cr.P.C was recorded by the Judicial Magistrate. He would further submit that the investigation has also been completed.

5. Considering the facts and circumstances of the case and that the investigation has almost completed and there is no previous case pending as against the petitioner, 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 District Court (Women) (FTC), Tiruppur, Tiruppur 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/03/2021

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 DISTRICT COURT (WOMEN) (FTC)
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASI,
TIRUPPUR DISTRICT.

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges

CRL OP.14524/2020

Date :10/03/2021

TA-16/04/2021

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