



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12850 of 2021

Prabhakaran

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Tambaram,
St.Thomas Mount District.
(Crime No.16 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.16 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Saravana Kumar

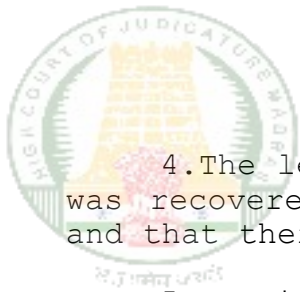
For Respondent : Mr.C.E.Pratap
for P.P.

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 417, 376, 392, 323 and 506(i) of I.P.C. in Cr.No.16 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in the case is alleged to have induced the defacto complainant by promising to marry her and had sexual relationship with her and used her in TV serial and thereafter refused to marry her. When the same was questioned by the defacto complainant A1 along with the other accused snatched her two sovereign gold chain, two wheeler and threatened her. The petitioner is arrayed as A2 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. He would further submit that the petitioner is the co-brother of A1 and further submitted that the defacto complainant already had sexual relationship with few others and different persons filed complaints against her in RC Nos.676 of 2020, 205 of 2020 and 88 of 2020 before the All Women Police Station, West Tambaram.



4.The learned Government Advocate submitted that the two wheeler was recovered and further submitted that no one sustained injuries and that there is no previous case as against the petitioner.

5.Considering the facts and circumstances of the case and the fact that the property is recovered, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tambaram, 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 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 Court concerned 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/07/2021

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, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TAMBARAM,
ST.THOMAS MOUNT DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary
charges

CRL OP.12850/2021

Date :27/07/2021

APN 02/08/2021