

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18085 of 2020

R.JAMBULINGAM

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE POLICE STATION,
VILLUPURAM DIST.
CRIME NO.11 OF 2020)

For Petitioner : MR.S.DUR AISAMY Advocate for
M/S. G.ANANDARAJ 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 :-

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 417, 376, 109, 313 of IPC and Section 4 of Women Harassment Act, in Crime No.11 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner on a false promise of marriage sexually assaulted the defacto complainant and she became pregnant, subsequently the pregnancy was terminated, thereafter the petitioner refused to marry the defacto complainant and cheated her. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that this is the second complaint filed by the defacto complainant. Earlier the defacto complainant has given a complaint, alleging that the petitioner has only promised to marry her and thereafter refused to marry her, the allegation of sexual assault was not there. The said complaint was treated as C.S.R. and enquiry was conducted and closed by Tindivanam Police Station. Subsequently, the second complaint has been made before the respondent police making all sorts of false allegations. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in the earlier complaint enquiry was conducted by the Thindivanam Police Station and closed. Now the second complaint has been filed before the Gingee Police Station and the investigation is pending.

5. Considering the facts and circumstances of the case, and the fact that the earlier complaint filed by the defacto complainant before another police station enquiry was conducted and closed and for the very same cause of action the present complaint has been filed before the respondent police, hence this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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, Gingee, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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 appear before the respondent police as and when required.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner shall not abscond either during investigation or trial.

(f) 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/03/2021

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 JUDICIAL MAGISTRATE,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S. G.ANANDARAJ Advocate on payment of necessary charges

CRL OP.18085/2020

Date :04/03/2021

MK:15/03/2021

WEB COPY