

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19855 of 2020

1. Balakrishnan Petitioners
2. Munikrishnan
3. Baskar,
4. Nagarathinam
Vs.

The state represented byRespondent
The Inspector of Police,
All Women Police Station,
Gummidipoondi, Thiruvallur District.
(Crime No.2230 of 2020).

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.2230 of 2020 on the file of the respondent police.

For Petitioners: Mr.G. Janarthanam

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 324, 506(ii) of I.P.C and Sections 11 and 12 of POCSO Act, in Crime No.2230 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 4 accused in this case. The case of the prosecution is that the petitioners entered into the defacto complainant's house and attacked his mother and his minor daughter. It is alleged that the first petitioner sexually harassed the minor victim girl. Based on the complaint given by the father of the victim girl the case came to be registered.

3. The learned counsel for the petitioners would submit that there is a long standing dispute between the petitioners and in the 164 statements recorded from the victim no offence was stated against the petitioners. Hence, he prays for grant of anticipatory

bail to the petitioners.

4. The learned additional public prosecutor would submit that there was a long standing dispute between the parties and the petitioners have also filed a complaint against the defacto complainant in Cr.No.2209 of 2020. Now thereafter the present complaint was lodged by the defacto complainant. He would further submit that 164 statements was recorded from the victim girl. However he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and on perusal of F.I.R and 164 statements it is seen that earlier the petitioners have also lodged a complaint against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

6. Accordingly, the petitioners are ordered to be released on bail in their event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif cum Judicial Magistrate, Gummidipoondi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 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 petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
12/02/2021

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 MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR DISTRICT.

+1 CC to M/S.A.G.JANARTHANAN Advocate on payment of necessary charges SR NO. 1563

सत्यमेव जयते

CRL OP.19855/2020

Date :12/02/2021

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