

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20306 of 2020

G.Ramesh

... Petitioner/ Accused-2

Vs.

The State, represented by,
The Inspector of Police,
All Women Police Station,
Kallakurichi.
(Crime No.3 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in connection with Crime No.3 of 2020, on th file of the Inspector of Police, All Women Police Station, Kallakurichi.

For Petitioner : Mr.P.Prabudoss

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner was arrayed as A2. He has been implicated in the crime for the offence punishable under Sections 417, 376 and 109 of I.P.C., in Crime No.3 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that A1 said to have committed rape of the defacto complainant and the petitioner, being a father of A1, was also implicated in this case.

3. The learned counsel appearing for the petitioner submitted that he is a innocent person and he has been falsely implicated in this case. He has further submitted that the main accused A1 was arrested, remanded to judicial custody, thereafter, he was released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the investigation was over and the final report has also been filed. The case number has been assigned as P.R.C. No.6/2020 on the file of the learned Judicial Magistrate I, Kallakurichi. He would further submit that there is no previous case pending against the petitioner.

5. Taking into consideration of the fact that the main accused A1 has been arrested and released on bail and the investigation was also over, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner/A2 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-II, Kallakurichi on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[a] 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.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[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/-
07/01/2021

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.II,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KALLAKURICHI.

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

CRL OP.20306/2020

Date : 07/01/2021

MK:25/01/2021

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