

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20108 of 2020

P. Venkatesan

.... Petitioner

Vs.

The state represented by
The Inspector of Police,
All Women Police Station
Nannilam, Thiruvavur District.
(Crime No.10 of 2020).

.... Respondent

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.10 of 2020 on the file of the respondent police.

For Petitioner : Mr.A. Manoj Kumar

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 417, 376 and 109 of I.P.C, in Crime No.10 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant fell in love with the petitioner and based on the false assurance given by the petitioner that he will marry the defacto complainant, she agreed to have sexual intercourse with the petitioner. Thereafter, the petitioner failed to marry the victim girl. Hence the complaint.

3. The learned counsel for the petitioner would submit that as the petitioner was in love with the victim girl the case has been registered against the petitioner, but, in 164 statement the victim girl has clearly stated that the main accused in this case was one Saravanan who had sexual intercourse with her for several times. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that even though in 164 statements the victim girl has stated that the said Saravanan is the main accused, she had stated that the petitioner also had sexual intercourse with the victim girl. Therefore, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact the victim girl had stated in 164 statements that she was sexually assaulted by one Saravanan, who is the main accused in this case, 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 learned Judicial Magistrate No.I, Nannilam, Thiruvarur 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 229 A IPC.

-sd/-

25/01/2021

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.I,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM, THIRUVARUR DISTRICT.

CC to M/S. A.MANOJKUMAR Advocate on payment of necessary charges

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WEB COPY

CRL OP.20108/2020

Date :25/01/2021

MN-02/02/2021