

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20268 of 2020

Vendamani

... Petitioner

-Vs-

State by

... Respondent

Inspector of Police,
All Women Police Station,
Vellore,
Vellore District.
(Crime No.17 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Crime No.17 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

सत्यमेव जयते
ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 417, 376 and 506(i) IPC, in Crime No.17 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant one Snekha and the first accused were in love with each other, on the false promise of marriage, A1 had sexual intercourse with the victim girl. Later, he refused to marry her. Further, the petitioner is the mother of A1, she had criminally intimidated the defacto complainant. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with

this crime and she has been falsely implicated in this case. He would further submit that A2 has already been granted anticipatory bail by this Court in CrI.O.P.No.13125 of 2020 dated 08.12.2020 He would further submit that there is no previous case pending as against the petitioner and main allegation is against A1. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant one Snekha and the first accused were in love and on the false promise of marriage, A1 had sexual intercourse with the victim girl and he refused to marry her, the petitioner is the mother of A1, and there is no previous case pending as against the petitioner. He would further submit that the allegation is only as against A1.

5. Considering the facts and circumstances of the case and that there is no specific overt act attributed against the petitioner and there is no previous case pending as against the petitioner and the petitioner is being the mother of A1, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Vellore, 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 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/-
23/02/2021

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 JUDICIAL MAGISTRATE,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE,
VELLORE DISTRICT.

+1 CC to M/S N.SUDHARSAN Advocate on payment of necessary charges SR.NO.2239

CRL OP.20268/2020

सत्यमेव जयते Date :23/02/2021

TA-03/03/2021

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