

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20641 of 2020

Sivarooban

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
All Women Police Station,
Gingee,
Villupuram District.
(Crime No.13 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.13 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 417, 376 of IPC, in Crime No.13 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are in love affair for the past four years, while so, the petitioner got affair with another lady, when the same was questioned by her, the petitioner has stated that he is going to marry the another lady. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant were in love with each other for more than four years and now a false complaint has been filed and no case was made out for the offence under Section 376 of IPC. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the petitioner after promising to marry the defacto

complainant, now, he got affair with another girl and cheated her.

5. Taking into consideration the nature of offence, the facts and circumstances of the case, this Court is inclined to grant 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Vikravandi, on condition that the petitioner shall execute a 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 report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interigation.

[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.

-sd/-
11/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
VIKRAVANDI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

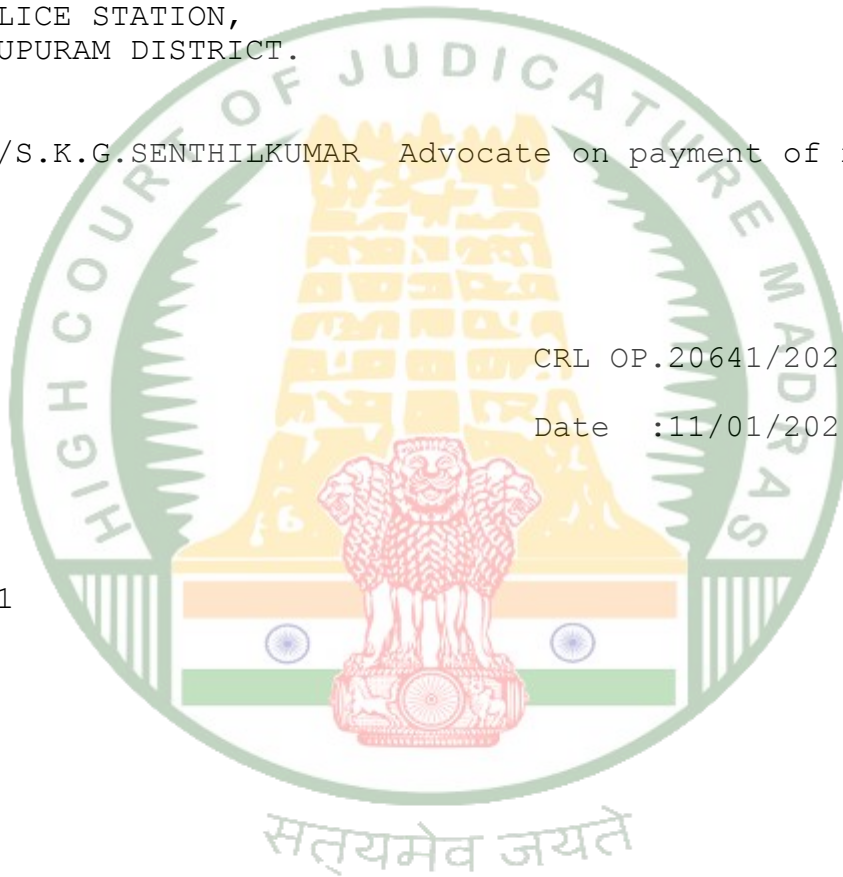
4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

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

CRL OP.20641/2020

Date :11/01/2021

MN-25/01/2021



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