

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20705 of 2020

K.Saminathan,

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Vikrapandiyam Police Station,
Tiruvarur Dt.
(Crime No.602 of 2020)

... Respondent

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 in Crime No.602 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Vijayaragavan

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 354 (B) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.602 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the victim is a deaf and dumb girl was sexually harassed by the petitioner. In the early morning, the victim girl was doing work in the house, at that time, the petitioner said to have misbehaved with the victim girl. Since she is a deaf and dumb, she has not stated anything to her parents. Thereafter, father of the defacto complainant came to know about the same from his son-in-law that the petitioner misbehaved with her. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioner would submit that both the petitioner and the defacto complainant are neighbours and due to previous enmity, the present false complaint has been filed against the petitioner. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has misbehaved with the deaf and dumb girl. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Mannargudi, on condition that the petitioner shall execute a separate 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, 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 appear before the respondent police daily at 10.30 a.m. until further orders;

[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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/01/2021

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
MANNARGUDI.
2. THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR. [FOR INFORMATION]
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
VIKRAPANDIYAM POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.20705/2020

Date : 22/01/2021

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