

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.21061 of 2020

1.Senthil kumar
2.Padmavathi

... Petitioners/ Accused 1 & 2

-Vs-

State by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
(Crime No.4181 of 2020) ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.4181 of 2020 on the file of the respondent police.

For Petitioners: Mr.J.Franklin

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.4181 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are A1 and A2. The allegation is that the defacto complainant is working as a Nurse at Primary Health Centre. In the earlier occasion, A2 who is the wife of A1 has given a false complaint against the defacto complainant by stating that she is having illegal intimacy with A1 and subsequently the said complaint was closed. On 17.12.2020, at about 11.00 a.m., A2 came to Raakiyapalayam Sub-Health Centre and used abusive language against the defacto complainant. Further, A1 called the defacto complaint with different phone numbers and asked to marry him otherwise he will publish the photographs of which the defacto complainant and A1 took together and insulted her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have nothing to do with the alleged offence and that they have been falsely implicated in this case and therefore, he prays to grant bail to the petitioner.

4.The learned Additional public Prosecutor appearing for the respondent would submit that on 17.12.2020, at about 11.00 a.m., A2 came to Raakiyapalayam Sub-Health Centre and used abusive language against the defacto complainant. Further, A1 called the defacto complaint with different phone numbers and asked to marry him otherwise he will publish the photographs of which the defacto complainant and A1 took together and insulted her. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Tiruppur, on condition that the petitioners 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:

[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 petitioners 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 interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

08/01/2021

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.3, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

WEB COPY

CRL OP.21061/2020

Date :08/01/2021

MN-25/01/2021