



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20658 of 2021

1 DASHARATH NARAYAN PANDERE
2 VITHOBA BHAGA GORULE

[PETITIONERS/ ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CHINDARIPET ALL WOMEN POLICE STATION,
CHENNAI
(CRIME NO. 02/2021)

[RESPONDENT]

For Petitioner : M/S.M.ARUMUGAM Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervener : M/S. RIYAZ MOHAMED, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 354, 506(I) Indian Penal Code 1882 R/W Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Cr.No.02 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were close relatives of the defacto complainant's husband and they were residing at the ground floor whereas the defacto complainant along with her husband residing at the first floor. It is alleged that the petitioners have sexually harassed the defacto complainant and tortured her in the absence of her husband right from 30.04.2021. Thereby, the defacto complainant lodged a complaint against the petitioners.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submit that the petitioners and the defacto complainant are close relatives and there was family dispute between them due to which a false complaint was made against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the petitioners were relatives of the defacto complainant and they are alleged to have misbehaved with the defacto complainant and sexually harassed her. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor vehemently opposed for grant of anticipatory bail to the petitioners on the ground that the complaint given by the defacto complainant was serious one and though the petitioners and the defacto complainant were close relatives, the petitioners have continuously misbehaved and sexually harassed the defacto complainant right from 30.04.2021.

6. Considering the fact that the said occurrence had happened on 30.04.2021 and the complaint was filed after a lapse of six months, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Additional Mahila Court, Egmore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners are directed to report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/11/2021

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 ADDITIONAL MAHILA COURT,
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHINDARIPET ALL WOMEN POLICE STATION,
CHENNAI.

+1 CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.12413

CRL OP.20658/2021

Date :02/11/2021

RW 16/11/2021