



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.20880 of 2021

DHIVAGAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION,
CUDDALORE DISTRICT.
(CR.NO.10 OF 2021)

For Petitioner : M/S. S.SWAMIDOSS MANOKARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable U/s. 417, 376, 313, 324 of IPC and U/s. 4 of Tamilnadu Prohibition of Harassment to Women Act, in Crime No.10 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a divorced women. It is alleged that the petitioner developed love affair with the defacto complainant and promised to marry her and had sexual relationship with the defacto complainant. Thereafter A1 refused to marry the defacto complainant. Due to physical relationship, the defacto complainant became pregnant and later aborted the foetus on the compulsion of A1. Based on the complaint lodged by the defacto complainant, the respondent police registered a case.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant was not pregnant as evidenced by the negative report and only to harass the petitioner, the present petition is filed. Further, allegation was made against the parents and brother of the petitioner and they have been granted anticipatory bail by this Court in Crl.O.P.No.18858 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that there is no previous case pending against the petitioner. He further concedes that the co-accused have been granted anticipatory bail by this Court. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and taking note of the materials which show a negative report relating to pregnancy and also the fact that the co-accused have already been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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 *JM/ Additional Mahila Court, Cuddalore* 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 and on further condition that:

(a) the petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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]*; and;



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

WEB COPY

-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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SWAMIDOSS MANOKARAN Advocate on payment of
necessary charges

CRL OP.20880/2021

Date :02/11/2021

CSK 19/11/2021