



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22932 of 2021

R.Gowtham

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
(Crime No.201 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in event of his arrest in Crime No.201 of 2021 pending investigation on the file of respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 352 and 506 (i) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.201 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are lovers. The defacto complainant's mother also consented for their marriage. When the defacto complainant's mother requested some amount from the petitioner to meet out family expenses, he refused as he had no money during that time. Therefore, it leads a wordy quarrel between them. Initially, the defacto complainant's mother lodged a complaint against the petitioner. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate - IV, Vellore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioner shall stay at Cuddalore and report before the Town Police Station on daily at 10.30 a.m. until further orders and the petitioner shall not have any communication with the victim girl;

(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 anticipatory 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/-

01/12/2021

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.



1 THE JUDICIAL MAGISTRATE-IV,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.

4 THE INSPECTOR OF POLICE,
THE TOWN POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.BALAMANIKANDAN Advocate on payment of necessary
charges SR.NO.13886

CRL OP.22932/2021

Date :01/12/2021

CSK 07/12/2021