



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5251 of 2021

Hilman Bruce Edwin ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
Crime No.100 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ramesh Raja.P.T.,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

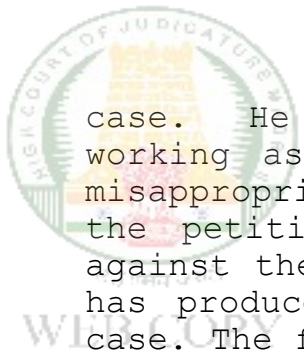
For Anticipatory Bail in Crime No.100 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the alleged offences punishable under
sections 294(b), 354 and 506(i) of IPC in Crime No.100 of 2021, on
the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that he made sexual
torture to the de-facto complainant and therefore, she left the work
two years back. On 27.03.2021 at about 10.05 p.m., when the de-
facto complainant went to the hotel in her two-wheeler for buying
Chapathi, the petitioner was standing in front of his house and
called the de-facto complainant by using filthy language and asked
her to his home and tried to touch the body of the de-facto
complainant. Since the de-facto complainant refused, the petitioner
threatened the de-facto complainant and criminally intimidated her.
Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this



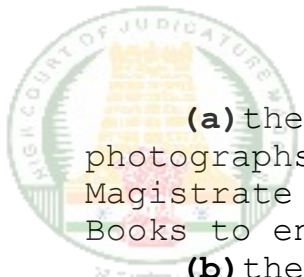
case. He would further submit that the de-facto complainant was working as a Treasurer under the petitioner's trust and she has misappropriated the trust funds. When the same was questioned by the petitioner, the de-facto complainant gave a false complaint against the petitioner. He would further submit that the petitioner has produced seven documents before this Court in support of his case. The first document would show that he is in a political party. The second document would show that he is a Doctor of Honours (Honoris causa). It is seen from the third and fourth documents that the de-facto complainant had taken chit amount from the petitioner. The fifth document, is the petitioner's son marriage invitation. The sixth document is the copy of FIR. Seventh document shows that the de-facto complainant attended the petitioner's son marriage. He would further submit that if really the petitioner had sexually tortured the de-facto complainant and she left the work two years back, certainly, she would not have attended the marriage on 28.12.2020. Therefore, it is a false case, to spoil the political carrier and reputation of the petitioner. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) for the respondent police would submit that the investigation is pending.

5.Considered the submissions made on either side. The de-facto complainant claims that she left the job two years back. The complaint was given only on 28.03.2021 for the reason that the petitioner made sexual torture to her. If this allegation is really true, it is not possible for her to attend the petitioner's son marriage on 28.12.2020. Again she claims that when she went to hotel in two wheeler for buying Chapathi at 10.05 p.m on 27.03.2021, petitioner stopped her. If really the relationship between the petitioner and the de-facto complainant was not good, why, she should stop her two-wheeler. The occurrence said to have happened at about 10.05 p.m., on 27.03.2021. The complaint was given only on 28.03.2021 at 19.30 hours.

6.Considering all these aspects and the status of the petitioner, without going deep into the merits of the case and taking note of the conduct of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Nagercoil, and on his executing 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 learned Magistrate concerned and on further conditions that,



(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT, NAGERCOIL.
- 2 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-3404[I] dated 27/04/2021)

ORDER
IN
CRL OP(MD) No.5251 of 2021
Date :23/04/2021

sjj

JM/SKN/SAR IV/05.05.2021/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>