



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

Date : 15/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5271 of 2021

S.Vigna Charan ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.
Crime No. 6/2021.

... Respondent/Complainant

For Petitioner : Mr.Sivabalan.K.,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

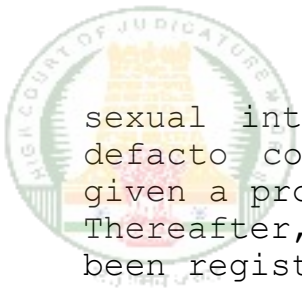
PRAYER :- For Anticipatory Bail in Crime No. 6 of 2021 on the
file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
417, 420 IPC r/w Section 4 of Woman Harassment Act, in Cr.No.6 of
2021, on the file of the respondent police seeks anticipatory bail.

2.Heard the learned Counsel appearing for the petitioner and
the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that the allegation made
against the petitioner is that he is a Doctor and when the defacto
complainant came to meet him along with her father's medical records
for consultation in July 2017 at Trichy Apollo Hospital, the
petitioner said to have given Pizza and Pepsi and on consuming the
same, the defacto complainant lost her conscious. Taking advantage
of her unconsciousness, the petitioner said to have forcibly had



sexual intercourse with her. After regaining consciousness, the defacto complainant was weeping and the petitioner said to have given a promise to her that he is a divorcee and he would marry her. Thereafter, he did not marry her and therefore, the present case has been registered.

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4. The learned Counsel appearing for the petitioner would submit that the allegation made against the petitioner is not true.

5. The learned Additional Public Prosecutor appearing for the State would submit that the allegation made against the petitioner is very serious one.

6. The incident involved in this case is said to have happened in July 2017 in the petitioner's room at Appollo Hospital, Trichy. However, the complaint is given only on 26.02.2021. This huge delay in giving the complaint has created serious doubt in the veracity and genuineness of allegation made in the complaint. The petitioner is a Doctor. Another doubtful thing in this case is that the occurrence said to have happened in the room of the petitioner in the Appollo Hospital, Trichy, which also raises a doubt as to whether it is possible for a person to have forcible sexual relationship with a woman in a busy hospital. Therefore, considering the allegation made in the complaint and also doubting the manner in which the incident said to have been happened, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

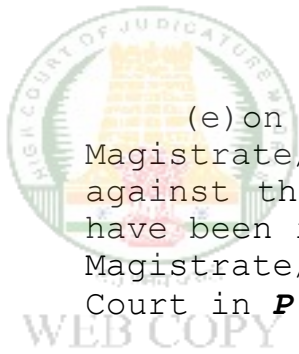
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, Trichy District, on condition that the petitioner shall execute 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.00a.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



(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.

sd/-
15/04/2021

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

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SIVABALAN, Advocate (SR-3122[I] dated 16/04/2021)

ORDER
IN
CRL OP(MD) No.5271 of 2021
Date :15/04/2021

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JM/PN/SAR I/16.04.2021/3P/6C