



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1950 of 2022

Satheesh

... Petitioner

Versus

State represented by
The Inspector of Police,
AWPS Tiruvarur Police Station,
Tiruvarur District.
(Crime No.13 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail on event of his arrest by the respondent police in the above Crime No.13 of 2021 on the file of the respondent police.

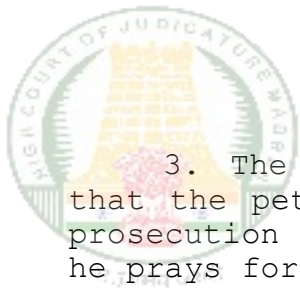
For Petitioner : M/S Magesh Raj FOR Mr.J.Ramkumar

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417, 376, 294(b), 506(i) of IPC in Crime No.13 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as Data Entry Operator in Tiruvarur Medical College Hospital. The defacto complainant and petitioner became friends via Facebook, their chats developed in Whats App as well. The petitioner who is working in Police Department was also posted duty in Tiruvarur Medical College Hospital, hence they became very closer. It is alleged that in the month of March 2020 the petitioner proposed his love and promised to marry, initially she was reluctant subsequently she accepted. The petitioner said to have been visiting the defacto complainant's house as well. The petitioner and defacto complainant had physical relationship for the past 18 months, the defacto complainant consented it on the promise of marriage but the petitioner refused to marry. Hence this case.



3. The learned counsel appearing 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 prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is some family dispute between the petitioner and the defacto complainant, the petitioner had a love affair with the victim girl near about 18 months, he promise to marry her, subsequently he refused. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner is a Police Constable and he also suspended, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Tiruvarur, Tiruvarur 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 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 and the defacto complainant are directed to appear before the Mediation at Tiruvarur Mediation Centre for 5 sittings, failing which the order will be cancelled automatically;

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

(d) the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

(e) the petitioner shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-

02/02/2022

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,
TIRUVARUR, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTRE,
HIGH COURT, CHENNAI

6 THE MEDIATION CENTRE,
TIRUVARUR

CC to M/S J.RAMKUMAR Advocate on payment of necessary charges
sr.1750

CRL OP.1950/2022

Date :02/02/2022

RVR 04/02/2022