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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2014 of 2022

Ganeshamoorthi

.. Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Perambalur District.
Crime No.35 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Cr.No. 35 of 2021 on the file of the
respondent police.

For Petitioner : Mr.S.Sabarish
[Crl.O.P.NO.2014/2022]

Mr.R.Rajasekar
[Crl.M.P.No.2698/2022]

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
[Crl.O.P.NO.2014/2022]

MR.L.Baskaran,
Govt. Advocate (Crl. Side)
[Crl.M.P.No.2698/2022]

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323, 417, 420 of IPC r/w, under section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002, in Crime Number 35 of
2021, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had love affair with the defacto complainant in the year 2015 and thereby had sexual intercourse with her under the guise of false of promise of marrying her. Thereafter he has not developed any relationship with the defacto complainant and further the petitioner married another girl. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution and further submits that this matter may be referred to mediation for amicable settlement.

4. The learned Additional Public Prosecutor has no objection for referring this matter to the Mediation Centre.

5. Considering the facts and circumstances of the case and also considering that the petitioner married another girl, hence this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner and the defacto complainant should go for Mediation and Conciliation Centre at Perambalur for five sittings.

6. Accordingly, the petitioner is ordered 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 **(*)Judicail Magistrate, Additional Mahila Court, Perambalur** 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 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 has been imposed and the petitioner is 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/-
02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 03/03/2022 MADE IN CRL.MP.No.2698 OF 2022 IN CRL.O.P.NO.2014 OF 2022

TO

**1(*) THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT
PERAMBALUR.**

2 THE JUDICIAL MAGISTRATE,
PERAMBALUR.

3 THE CHIEF JUDICIAL MAGISTRATE,
PERAMBALUR DISTRICT (FOR INFORMATION).

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
PERAMBALUR.



7 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

WEB COPY +1 CC to M/S.R.RAJASEKAR Advocate on payment of necessary
charges SR.NO.3287

CRL OP.2014/2022

Date :02/02/2022

INBA~09/02/2022

JPA 11/03/2022