



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2645 of 2022

A.Pugazharasan

... Petitioner

Versus

State Rep by
The Inspector of Police
All Women Poonamallee Police Station,
Chennai.
(Crime No.3 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.3 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Shyam Sundar
for Mr.T.Thangadurai

For Respondent : Mr. A.Gokulakrishnan,
Additional Public Prosecutor
(DATED 04/02/2022)

: M/S.L.BASKARAN,
Government Advocate (Crl.Side)
(DATED 25/02/2022)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 417, 294 (b), 506(2) of Indian Penal Code and **(***) section 4 of Tamilnadu Prohibition of harassment of women act, 2002** in Crime No.3 of 2022 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. There was illegal affair between the petitioner and the defacto complainant. It is alleged that upon a



false promise, the petitioner developed illegal affair with the defacto complainant and thereafter he refused to marry her. Hence, the defacto complainant lodged a complaint against the petitioner.

(*)3. The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the defacto complainant are major and there was some affair between them. Thereafter, there was some misunderstanding between the defacto complainant and the petitioner, hence she lodged a complaint.

4. The learned Additional Public Prosecutor submits that upon a false promise, the petitioner had sexual relationship with the defacto complainant and thereafter refused to marry her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and now, (**..**) this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.I, Poonamallee 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 is directed to appear before the respondent police on every Tuesday and Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(c) the petitioner should not have any contact with the defacto complainant.

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

(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/-
04/02/2022

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.

(*) Being mentioned and
(**..**) deleted, as per order of this Court dated 25/02/2022 Made in Crl.O.P.NO. 2645/2022

(*)AMENDED AS PER ORDER AND TIME GRANTED BY THIS COURT IN THE ORDER PASSED IN CRL.OP.NO.2645 OF 2022 DATED 04.02.2022 IS EXTENDED FOR FURTHER PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER FOR THE PURPOSE OF COMPLYING WITH THE ORDER OF THIS COURT DATED 01/04/2022 MADE IN CRL.MP.No.3622 OF 2022 IN CRL.O.P.NO.2645 OF 2022**

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALL WOMEN POONAMALLEE POLICE STATION,
CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.THANGADURAI
charges SR.No.4954

Advocate on payment of necessary

CRL OP.2645/2022

Date :04/02/2022

RW 09/02/2022

RW 10/03/2022

JPA 11/04/2022