



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.04.2022

CORAM:

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

Cr1.O.P.No.8246 of 2022

Surya

...Petitioner

Vs.

The State rep. by the
The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
(Crime No.12 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner in the event of arrest of his arrest in Crime No.12 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.L.Bakaran
Government Advocate (Cr1. Side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 506(i) of IPC in Crime No.12 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is residing in neighboring village of the petitioner. In the year 2020 the defacto complainant and the petitioner were fell in love with each other after sometimes petitioner refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the defacto complainant had



love affair with each other and subsequently he came to know that she had love affair with another boy which caused mis-understanding between them and they were got separated, aggrieved that the defacto complainant lodged a present false complaint. Hence, the prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submits that under the guise of marriage the petitioner had sexual relationship with the victim girl. Later, he has refused to marry the victim girl. Hence, he vehemently opposed for grant of anticipatory bail.

5. On seeing the FIR allegation, it reveals that both the petitioner as well as the victim are B.E., graduates and they had love affair for more than 1 ½ years. Now, due to the mis-understanding between them they were separated but the counsel for the petitioner submits that on 26.08.2021 mother of the victim girl lodged a complainant stating that her daughter was missed. Subsequently, the victim was secured, pointing out the same the counsel for the petitioner submits that victim was eloped with some other person and came to know about this incident the petitioner was dis-continued his love affair with victim girl which culminated into the false complainant to that effect the petitioner produced the earlier complaint given by mother of the victim.

6.On perusal of the complaint dated 25.08.2021, which was numbered as 136 of 2021, prime facie which reveals that there was girl missing complaint given by the mother of the victim girl subsequently, she was secured.

7.Considering the facts and circumstances of the case and also the fact that the investigation was almost completed, if he released on anticipatory bail there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate , Harur, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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., for a period of two months and thereafter as and when required for interrogation.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
22/04/2022

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,
HARUR, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary
charges SR.No.6187

CRL OP.8246/2022

Date :22/04/2022

CSK 28/04/2022