



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14988 of 2022

1 VINAYAGAM
2 PUNITHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO.137/2022.

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 354, 355, 306 of IPC r/w Section 4(B)(1) of Women Harassment Act in Crime No.137 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 17.06.2022, one Mala lodged a complaint before the Respondent Police stating that her daughter Valarmathi aged about 18 years committed suicide by self hanging on 17.06.2022 and later she died. The specific allegation against the petitioners is that the 1st petitioner used to harass the victim girl when she goes outside for toilet and the 2nd petitioner had molested the victim girl. Due to this mental agony, the victim had committed suicide. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the 1st petitioner fell in love with the victim girl aged about 18 years. Therefore, when it was questioned by the 2nd petitioner, the deceased committed suicide.



4. The learned Additional Public Prosecutor would submit that the petitioners are arrayed as A1 & A2. When the victim goes for natural calls, A1 used to comment upon her and harass her. Therefore, the victim lodged a complaint before the Village Panchayat. The Village Panchayat called the petitioners for enquiry and the President of the Village Panchayat warned them. The very next day, the petitioners went to the house of the victim and scolded her with filthy language and also beaten her. Due to such humiliation, deceased aged about 18 years immediately committed suicide.

5. According to the case of the petitioners, 1st petitioner fell in love with the victim and when the same was questioned by the 2nd petitioner, she committed suicide. Therefore, custodial interrogation of the 1st petitioner is very much required in this case and this Court is not inclined to grant anticipatory bail to the 1st petitioner. However, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions.

6. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd petitioner is concerned, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned JM, Cheyyar on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 2nd 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 2nd petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/06/2022

WEB COPY

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.10418

CRL OP.14988/2022

Date :30/06/2022

TA-07/07/2022