

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15091 of 2022

S.SARAVANAVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
(*)SRMC, ALL WOMEN POLICE STATION,
MANGADU,
CHENNAI-602 101
(CRIME NO.5 OF 2022)

[RESPONDENT]

For Petitioner : MR.V.KARTHICK, Senior Counsel for
M/S M.GURUPRASAD Advocate

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

For Intervenor : M/S.M.RAJESWARAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under (*)Sections 294 (b), 324 of IPC read with Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012 (POCSO) in Crime No.5 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused herein alleged to have misbehaved with the victim child while he was taking Tamil and English tutoring for the victim child, who is the grand-daughter of the petitioner/accused herein. Hence, the complaint.

3. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is the sole-accused. He is a retired Chief Engineer from the Department of Highways. He has one son and daughter. His daughter is settled in America. Unfortunately, his son is suffering with some mental illness and he is admitted in the hospital and the petitioner is taking care of his son. At that juncture, there was some dispute between the petitioner and his daughter-in-law. The daughter-in-law is living in an apartment situated at Aminjikarai. She had desire to move into a bigger house and due to which, there was some quarrel between them. That apart, daughter-in-law of the petitioner harassed the petitioner and his wife to the core and as such, he lodged several complaints. At last, one of his wife's complaint was registered in Crime No.850 of 2021 for the alleged offences under Sections 294(b), 323 and 506(i) of IPC on the file of Inspector of Police, Mangadu Police Station, Ambattur District and pending for investigation. While being so, First Information Report came to be registered in Crime No.05 of 2022 for the offences under Sections 294(b) & 324 of IPC and Sections 7 & 8 of POCSO Act alleging that the petitioner had misbehaved with the grand-daughter.

4. The learned counsel appearing for the intervenor submitted that the petitioner have committed very serious offence as against his grand-daughter. In fact, on that day there was a quarrel between the petitioner and his daughter-in-law, due to which the daughter-in-law sustained injuries on her face and had taken treatment in the hospital. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the petitioner had misbehaved with the minor girl aged about 15 years and as such, now First Information Report came to be registered for the offences under Sections 294(b) & 324 of IPC and Sections 7 & 8 of POCSO Act.

6. It is seen from the victim girl's complaint, that de-facto complainant is none other than the grand-daughter of the petitioner herein. The allegations are that, the petitioner is a drunkard and used to scold with filthy languages. He also touched his grand-daughter/de-facto complainant and therefore she got mental agony. Further, her relatives also scolded her with filthy languages.

7. Admittedly, there is a dispute between the petitioner and his daughter-in-law Viz., the mother of the de-facto complainant with regard to the property. Already the petitioner and his wife lodged several complaints and in which, one First Information Report got registered in Crime No.850 of 2021. Therefore, the present complaint is nothing but a false complaint foisted against the petitioner and clear abuse of process of Law.

8. Considering the above facts and circumstances, custodial interrogation of the petitioner does not required and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif - Cum - Judicial Magistrate Court, Sriperumbudur, on condition that the petitioner shall execute a separate 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 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 petitioner shall report before the respondent police 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 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].

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

-sd/-

06/07/2022

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.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 06/07/2022 MADE IN
CRL.MP.No.8753 OF 2022 IN CRL.O.P.NO.15091 OF 2022

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SRMC ALL WOMEN POLICE STATION,
MANGADU, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.GURUPRASAD Advocate on payment of necessary
charges SR.NO.10945

CRL OP.15091/2022

Date :06/07/2022

JPA 08/07/2022