

CRL.O.P.No.13724 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 28.04.2016 for the alleged offence punishable under Section 376 IPC in Crime No.45 of 2016 on the file of the respondent police, **seeks bail.**

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.The case of the prosecution is that on the false promise of marriage, the petitioner had physical relationship with the de-facto complainant, due to that she got conceived but refused to marry her.

4.The learned counsel for the petitioner submitted that there was a love affair between the petitioner and de-facto complainant and she was 21 years old. He further submitted that the petitioner has not committed any such offence and a false case has been foisted against him.

5.Learned Public Prosecutor (Pondicherry) submitted that the petitioner had physical relationship with the victim but refused to marry her. He further submitted that the victim girl is pregnant now.

6.Considering the facts and circumstances of the case and taking note of the fact that though notice was served on the de-facto complainant, there is no appearance and considering the age of the victim and investigation is almost completed and also considering the period of incarceration of the petitioner, **the petitioner is ordered to be released on bail subject to the following conditions:**

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(i)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 learned Judicial Magistrate-II, Karaikkal;

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. and 5.00 p.m., until further orders;

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

(iv)the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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]**.

21.07.2016

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