



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7157 of 2019

SIVARAMAN

... PETITIONER / ACCUSED No.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THIRUVAIYARU,
THANJAVUR DISTRICT.
(CRIME NO. 5 OF 2019).

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.KARNAN Advocate

For Respondent : MR.A.ROBINSON
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.04.2019, for the offences punishable under Sections 417, 493, 312, 294(b), 354, 323, 506(i) & 109 I.P.C., and Section of 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.5 of 2019, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner and the *de facto* complainant loved each other and they had also sexual relationship, out of which, the *de facto* complainant conceived. Thereafter, both of them decided to abort the child and accordingly, they had also aborted the child in a private hospital in Thanjavur. Subsequently, the petitioner refused to marry the *de facto* complainant. On 13.04.2019, when the *de facto* complainant met the petitioner and requested him to marry her, he refused and threatened her with dire consequences.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.



Further, the learned counsel submitted that the petitioner is in incarceration from 21.04.2019 till date.

4. The learned Government Advocate (Criminal Side) submitted that the age of *de facto* complainant is 23 years and on the promise of marrying her, the petitioner had sexual relationship with the *de facto* complainant, out of which, she became pregnant. However, the petitioner refused to marry the *de facto* complainant and threatened her with dire consequences. Furthermore, there are totally five accused in this case and except the petitioner (A1), the other accused, namely, A2 to A5 have been granted anticipatory bail by this Court on 30.04.2019. Furthermore, the bail application filed by the petitioner before the learned Vacation Sessions Judge, Thanjavur, in Cr.M.P.No.1815 of 2019 has been dismissed on 08.05.2019.

5. Taking into consideration the facts and circumstances of the case and the also the fact that the petitioner is in incarceration from 21.04.2019, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

(ii) 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.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

(vii) If the petitioner thereafter absconds, a fresh F.I.R., can be registered under Section 229-A I.P.C.

sd/-
15/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
THIRUVAIYARU,
THANJAVUR DISTRICT.
 5. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to MR.G.KARNAN Advocate SR.No.8563

ORDER
IN
CRL OP (MD) No.7157 of 2019
Date :15/05/2019

KRK

AE/MMS/SAR-II (17.05.2019) 3P 8C