



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/08/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10484 of 2019

Arockiya Jaysen

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kumbakonam All Women Police Station,
Thanjavur District.
Crime No.9 of 2019

... Respondent/Complainant

S.Sharmila Barvin

...Intervener/De-facto Complainant

For Petitioner : M/s.P.R.Prithiviraj, Advocate.

For Respondent : Mr.V.Neelakandan, Additional Public Prosecutor

For Intervenor : M/s.K.S.Durai Pandian, Advocate

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

PRAYER :

for bail petition in crime No.9/2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Sections 417,506(i) and 506(ii) of IPC @ 417,506(i) and 376 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant loved each other and the petitioner belongs to christian community and the defacto complainant belongs Muslim community. He further submitted that the defacto complainant insisted the petitioner to convert into muslim community, the petitioner did not agree for the same and aggrieved by the same, the defacto complainant rushed to the police station and lodged a false complaint against the petitioner. The learned counsel for the petitioner, on instructions, would submit that even now the petitioner is ready to marry the defacto complainant within three months provided the defacto complainant not force him to convert into her religion. The petitioner also filed an affidavit to that effect. The learned counsel for the petitioner further



submitted that the petitioner herein was arrested and remanded to judicial custody on 28.06.2019 and he is in custody for the past 33 days. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that both the petitioner and the defacto complainant loved each other and petitioner herein gave false promise that he will marry the defacto complainant and had physical contact with her and thereafter refused to marry the defacto complainant. He further submitted that the intervenor will not insist the petitioner to convert his religion and hence the affidavit of the petitioner may be accepted and release him on bail.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the defacto complainant/intervenor.

6. Since the petitioner is in judicial custody he has sworn an affidavit before the Sub Jail Superintendent, Sub Jail, Kumbakonam and filed before this Court through his Counsel. In the said affidavit he has stated as follows:

"I respectfully submit that I am the petitioner in the above said petition. Myself and the defacto complainant loved each other and I belong to christian religion wherein the defacto complainant belongs to Muslim community. When we planned to get marriage, the defacto complainant insisted me to convert my religion into Muslim. But I informed her that both are retain their respective religion and no need to convert the religion. But the defacto complainant did not hear the same, on the other hand threatened me to convert my religion to Muslim. From then misunderstanding arose between us. Finally she filed the subject complaint by including my innocent and aged parents also. I ready to get marry with the defacto complainant if she is not force me to convert my religion. Even now I have no intention to cheat her and I am ready to marry her.

If this Hon'ble Court enlarge me on bail, then myself and the defacto complainant will get marriage and settle the issue between us.

Hence I humbly prayed that kindly accept this affidavit and release me on bail in connection with Cr.No.9 of 2019 on the file of the respondent and thus render justice".

7. Taking into consideration of the aforesaid affidavit and also the fact that the petitioner is in custody for the past 33 days, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner shall marry the defacto complainant within three months from the date of receipt of a copy of this order as per the undertaking given by him in his affidavit. Further the defacto complainant should not insist the petitioner to convert him into her religion.



[b] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.I, Kumbakonam.

[c] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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].

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

sd/-

01/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVURDISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
KUMBAKONAM ALL WOMEN POLICE STATION, THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to Mr.P.R.PRITHIVIRAJ Advocate SR.No.12770
- +1. CC to Mr.K.S.DURAI PANDIAN Advocate SR.No.12762

ORDER
IN
CRL OP(MD) No.10484 of 2019
Date :01/08/2019

aav