

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9413 of 2020

Selvam

... Petitioner

/versus/

The State Rep. By

... Respondent

The Inspector of Police,
All Women Police Station,
Tiruvannamalai,
Tiruvannamalai District,
Crime No.13 of 2020.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.13 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. B.Jawahar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.06.2020 for the alleged offence punishable under Sections 417, 376 and 506(i) IPC in Crime No.13 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Krishnaveni, aged 26 years is that she was having acquaintance with the petitioner/accused from the year 2009 and that the petitioner/accused on the promise of marrying her had sexual intercourse with her and thereafter, continued to have sexual intercourse with her on several occasions. Earlier during the year 2015, since the petitioner/accused refused to marry her, she had consumed poison on 19.06.2015 and she was admitted in the hospital and later discharged. Thereafter, she has also given a complaint before the Mangalam Police Station, at that time, the brother of the accused had assured her that he will make arrangement for the marriage of the accused with her. Thereafter, since the accused had refused to marry her, despite several request, the present complaint has been given

3. The learned counsel for the petitioner would submit that there was consensual relationship between the petitioner and the defacto complainant from the year 2009. He would submit that the bare reading of the First Information Report would show that the relationship between them was consensual and that there was no inducement by the petitioner. He would further submit that the petitioner has a younger sister, who is unmarried and that he is unable to get married to the defacto complainant at present, whereas, the defacto complainant had given a complaint. He would also submit that there is a possibility of settlement and also a likelihood of getting married.

4. The learned Additional Public Prosecutor for the respondent would submit that on a false promise of marrying the defacto complainant, the accused had sexual intercourse with her on several occasions, thereafter, he had refused to marry her, resulting which, a complaint was made before the respondent police on 12.06.2020 and that the petitioner was arrested on 13.06.2020.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-II, Tiruvannamalai, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioner shall not commit any offences of similar nature;

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

30/06/2020

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-II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER IN-CHARGE,
SUB-JAIL, TIRUVANNAMALAI.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.9413/2020

Date :30/06/2020

TA-14/07/2020