

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

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

Crl.O.P.No.9566 of 2020

P.Vijay

... Petitioner

/versus/

The State Rep. By the
Inspector of Police,
Malliyakarai Police Station,
Salem District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused pending investigation in Crime No.196 of 2020 on the file of Respondent Police.

For petitioner : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the alleged offences punishable under Sections 417, 376, 506(i) of IPC in Crime No.196 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner on the promise of marrying the defacto complainant had sexual intercourse with her and later refused to marry her and cheated her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that even as per the FIR there was consensual relationship between the petitioner and the defacto complainant. The petitioner is aged 24 years and the victim is aged 27 years and that no such promise was made, the relationship between the petitioner and the defacto complainant came to be known to her relatives, she has given such complaint. Further, he also submitted that the petitioner is in judicial custody from 15.05.2020 and prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner on false promise to marry the defacto complainant had sexual intercourse with her and thereafter refused to marry her.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and that the petitioner is in judicial custody from 15.05.2020, 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 No.II, Attur, 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/-
26/06/2020

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,
NO.II, ATTUR

2 THE LEARNED PRINCIPAL SESSIONS
JUDGE SALEM, SALEM DISTRICT

3 THE JAILER
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9566/2020

Date :26/06/2020

rd 21/07/2020

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