

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

Crl.O.P.No.10189 of 2020

Tamilselvan

... Petitioner

- Vs. -

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai, Tiruvannamalai District.
(Crime No.12 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.12 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Sundarpandiyan

For Respondent : Mr.Shanmuga Rajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 13.06.2020 for the offences punishable under Sections 417, 376 and 506 (i) of the Indian Penal Code, 1860, in Crime No. 12 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant one Pongavanam, aged about 23 years, is that the petitioner, on the promise of marrying her, had sexual intercourse with her and later, cheated by refusing to marry her.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would submit that a reading of FIR would show that the relationship between the petitioner and the de facto complainant is consensual and they are having the relationship right from the year 2016. He would further submit that the petitioner was arrested on 13.06.2020 and he is in custody for more than 25 days.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the de facto complainant is aged about 23 years and that the petitioner, on the false promise of marrying the de facto complainant, had sexual intercourse with the victim

girl. He would further submit that the major part of the investigation is over and the statement of victim girl under Section 164 of Cr.P.C has been recorded and that the medical examination, in respect of the victim and the petitioner has been completed.

5. Taking into consideration of the facts and circumstance of this case, 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 three (3) weeks and thereafter, every Monday at 10.30.a.m until further orders;

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-

07/07/2020

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, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
TIRUVANNAMALAI, TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.10189/2020

सत्यमेव जयते Date : 07/07/2020

RVR 02/09/2020

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