

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

CrI.O.P.No.10200 of 2020

Thiyagaraj @ Thyagarajan

... Petitioner

- Vs. -

State Rep. By its
The Inspector of Police,
W-25 All Women Police Station,
T.Nagar, Chennai.
(Crime No.02 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.02 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.T.Shanmugarajeswaran
Additional 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 09.06.2020 for the offences punishable under Sections 417, 420, 376(2)(n), 313 and 506(i) of the Indian Penal Code, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.02 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Ulaganageshwari is that the petitioner, on the false promise of marrying her, was living together in a live-in relationship and had sexual intercourse with her, due to which, she became pregnant and thereafter, she was compelled to abort thrice. Even thereafter, on the false promise, he continued to have sexual intercourse and later, cheated her.

3. The learned counsel for the Petitioner would submit that a reading of the FIR would show that the petitioner and the defacto complainant were having relationship from the year 2011 and it was consensual in nature and that the victim, who is aged about 32 years, was well aware of the existing relationship and then for reasons best known to her, a false complaint has been given against the petitioner. He would submit that the petitioner was arrested on 09.06.2020 and he is in jail for almost a month.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the victim is aged about 32 years and on the promise of marrying her, the petitioner was having live-in relationship with the victim for about 11 years, during which period, she has become pregnant thrice and on compulsion, abortion was done in thrice. Later the petitioner has refused to marry and cheated her.

5.Taking into consideration of the facts and circumstances of the 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 on and thereafter his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, 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 everyday at 10.30 a.m for a period of two (2) 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 XVII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-25, ALL WOMEN POLICE STATION,
T-NAGAR, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

CC to M/S. D.DAYALAN Advocate on payment of necessary charges

CRL OP.10200/2020

सत्यमेव जयते Date : 07/07/2020

RVR 02/09/2020

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