

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

Crl.O.P.No.10313 of 2020

Saravanan

... Petitioner

-Vs.-

State Rep. by

The Inspector of Police,
All Women Police Station,
Polur, Tiruvannamalai District.
(Crime No.6 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.6 of 2020 on the file of the Respondent.

For Petitioner : Mr.B.Mahendra Naidu

For Respondent : Mr.T.Shanmugarajeswaran
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 26.06.2020 for the offence punishable under Sections 417, 376(2) (n) of IPC, in Crime No.6 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Manjula is that the petitioner induced her under the false promise of marrying her and had sexual intercourse, due to which, she became pregnant. The further allegation is that the petitioner refused to marry the de facto complainant.

3. The learned counsel for the petitioner would submit that the petitioner had not denied the paternity of the child and he was also willing to marry the victim, however, the victim refused to marry the petitioner. He would submit that interim bail was granted to the petitioner and the petitioner has also paid an amount of Rs.25,000/- towards delivery charges and also paid an amount of Rs.50,000/- by way of Demand Draft dated 01.09.2020 bearing no.459956 drawn on Indian Bank for the interim maintenance of the child.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the Demand Draft has been handed over to the respondent police yesterday.

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner paid a sum of Rs.50,000/- by way of Demand Draft, the interim bail granted by this Court vide order dated 24.08.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Polur, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(b) 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;

(c) the petitioner shall report before the respondent Police everyday at 10.30 a.m for a period of two weeks and thereafter, every Monday at 10.30.a.m until further orders;

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

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

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

(g) 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];

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

6. This Criminal Original Petition is ordered with the above directions.

-sd/-

02/09/2020

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE SUPERINTENDENT
SUB-JAIL, TIRUVANNAMALAI

4 THE SUPERINTENDENT
SUB JAIL, POLUR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

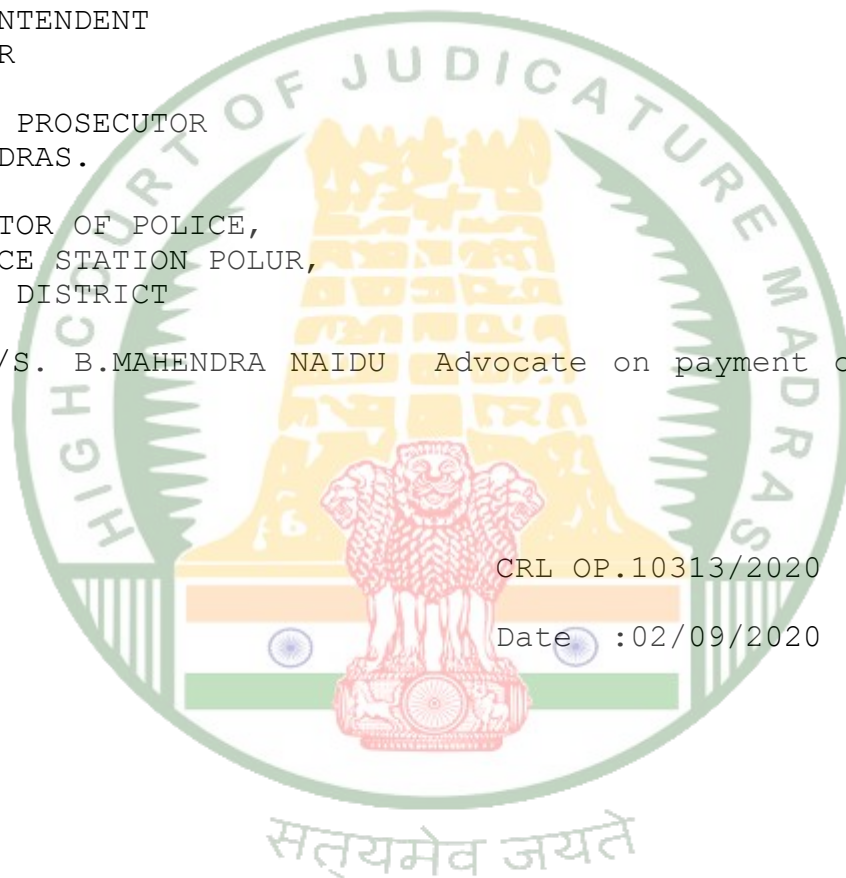
6 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION POLUR,
TIRUVANNAMALAI DISTRICT

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

CRL OP.10313/2020

Date :02/09/2020

RVR 15/09/2020



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