

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

Crl.O.P.No.11073 of 2020

Alakesan

... Petitioner

Vs.

State rep. by

The Inspector of Police
All Women Police Station
Thiruthuraipoondi
Thiruvarur District
(Crime No.09 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.09 of 2020, pending investigation on the file of the The Inspector of Police, All Women Police Station, Thiruthuraipoondi, Thiruvarur District.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.06.2020 for the offences punishable under Section 417 and 376 IPC, in Crime No.09 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Suganya is that the petitioner assured the defacto complainant that he will marry her and induced her to have sexual intercourse. After two years, he refused to marry her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is a case of consensual sex and it has been projected as a case of cheating. The petitioner was arrested on 26.06.2020 and he is in custody for more than 35 days. He would further submit that the respondent police has completed investigation, the medical examination in respect of the victim and the petitioner has been over.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner gave a false assurance of marriage, induced the defacto complainant and committed sexual intercourse. He would further submit that investigation has been completed and the final report has not been filed before the concerned Court.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration, 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 condition to execute 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, **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;

(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 weeks and thereafter on 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
03/08/2020

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
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB-JAIL, THIRUTHURAIPOONDI
THIRUVARUR DISTRICT.

+1 CC to M/S. S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO.5852

CRL OP.11073/2020

Date :03/08/2020

TA-06/08/2020