

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

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

Crl.O.P.No.11294 of 2020

Ajith

... Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
Andimadam Police Station,
Ariyalur District.
(Crime No.787 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.787 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Murthy

For Respondent : Mr.T.Shunmugarajeswaran
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 Section 376(2) (n), 417, 315, 294(b) and Section 506(ii) of IPC, in Crime No.787 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Chitra is that she was in love with the petitioner and that on 09.11.2019 when she was returning from the temple, the petitioner had taken her and compelled for sexual intercourse and also promised to marry her. Thereafter making her believe that he would marry her, he had intercourse with her on several occasions, due to which, she became pregnant, when the same was informed to the petitioner, he compelled her to abort the child and caused injury to her, due to which she suffered abortion. Thereafter the petitioner absconded from the Village. The petitioner returned to the village on 13.06.2020 and thereafter he was arrested.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been unnecessarily dragged into the case. He would further submit that the incident is stated to have taken place on 16.03.2020 and the abortion was on 20.03.2020, but the complaint has been given much later on 13.06.2020. He would further submit that major part of the investigation is over and the petitioner is in custody for more than 50 days.

4.The learned Government Advocate (Criminal Side) would vehemently oppose for the grant of bail to the petitioner stating that the petitioner under the false promise of marrying the defacto complainant had intercourse with her on several occasions, due to which she became pregnant. The petitioner had forced her to abort the child and assaulted her. He would further submit that on 20.03.2020, the victim delivered a stillborn child. Thereafter, a complaint has been given by her after two months. He would further submit that 164 statement has been recorded.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 learned Judicial Magistrate II, Jayankondam, 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 stay at Chennai and report before the Mylapore Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdiction limits of the respondent police.

(e) the petitioner shall give his mobile number and the contact details to the respondent police.

(f) the petitioner shall appear before the Trial Court on intimation by the respondent police.

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

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

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

(j)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];

(k)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/-

07/08/2020

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, JAYANKONDAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 THE SUB INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ARIYALUR DISTRICT.

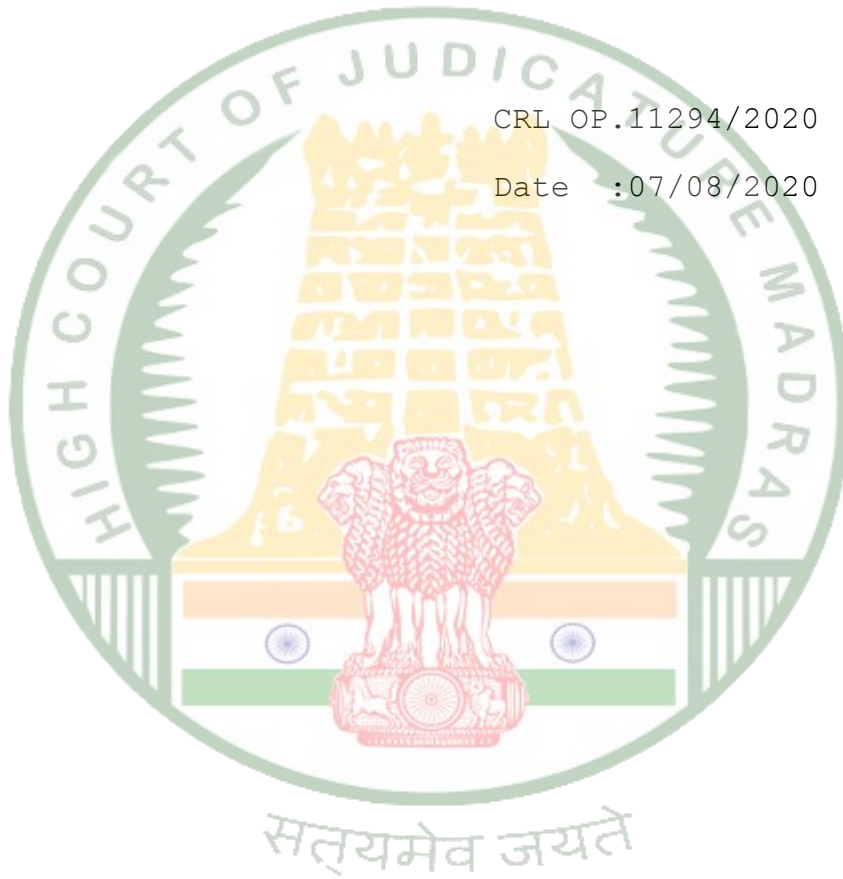
5 THE OFFICER INCHARGE
MYLAPORE POLICE STATION,
CHENNAI.

+1 CC to M/S. D.MURTHY Advocate on payment of necessary charges
SR.No.5899

CRL OP.11294/2020

Date :07/08/2020

cs 12/08/2020



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