

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.12409 of 2020

Thulasi Raman

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Manimangalam Police Station
Kancheepuram District.
(Crime No.1299 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.1299 of 2020 pending investigation on the file of the Respondent police.

For Petitioner : Mr.K.Elangovan

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 04.07.2020 for the offence punishable under Sections 417, 376 and 506(i) IPC in Crime No.1299 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that she was working as a tailor in the Garment factory run by the petitioner. While so, on false assurance to marry her, the petitioner on 25.10.2019 had sexual intercourse with her due to which, she became pregnant. Later she came to know that the petitioner was already married and he has a 8 month old child. Therefore, She attempted to commit suicide and she was admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are well known to each other. The defacto complainant was working in the ready made garment factory under the petitioner and she is very well aware that the petitioner is a married man. There was consensual relationship between them and now she has given a false complaint against the petitioner for reason best known to her. Infact, the petitioner had married during the year 2018 and that the defacto complainant also attended the marriage of the petitioner. He

would further submit that the petitioner has been in judicial custody from 04.07.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant was working in the readmade Garment manufacturing factory of the petitioner. The petitioner on false promise to marry the defacto complainant, had sexual intercourse with her due to which, she became pregnant and thereafter, the petitioner had disclosed that he is already married and he has got a 8 months old child and he refused to marry the defacto complainant. On the refusal the defacto complainant attempted to commit suicide. He would further submit that the victim has delivered a female child on 09.08.2020 and the investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that without prejudice to his defence before the trial Court, the petitioner in order to show his bonafides is prepared to deposit a sum of Rs.3,00,000/- to the credit of crime number and he would submit that subject to the out come of the DNA test, the amount may be disbursed to the child.

6.Taking into consideration the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant interim bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on interim 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.

(b) thereafter within fifteen days from the date of his release from the prison, the Petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.1299 of 2020 and the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Tambaram,

(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 week and thereafter every monday at 10.30 a.m. until further orders.

(e) subject to the outcome of the DNA test, if it is proved that the petitioner is the father of the defacto complainant's child , the amount of Rs.3,00,000/- (Rupees Three lakhs) shall be disbursed to the defacto complainant as guardian of the child.

(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.

For reporting complaiance and further orders on 02.09.2020.

-sd/-
17/08/2020

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 NO.II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

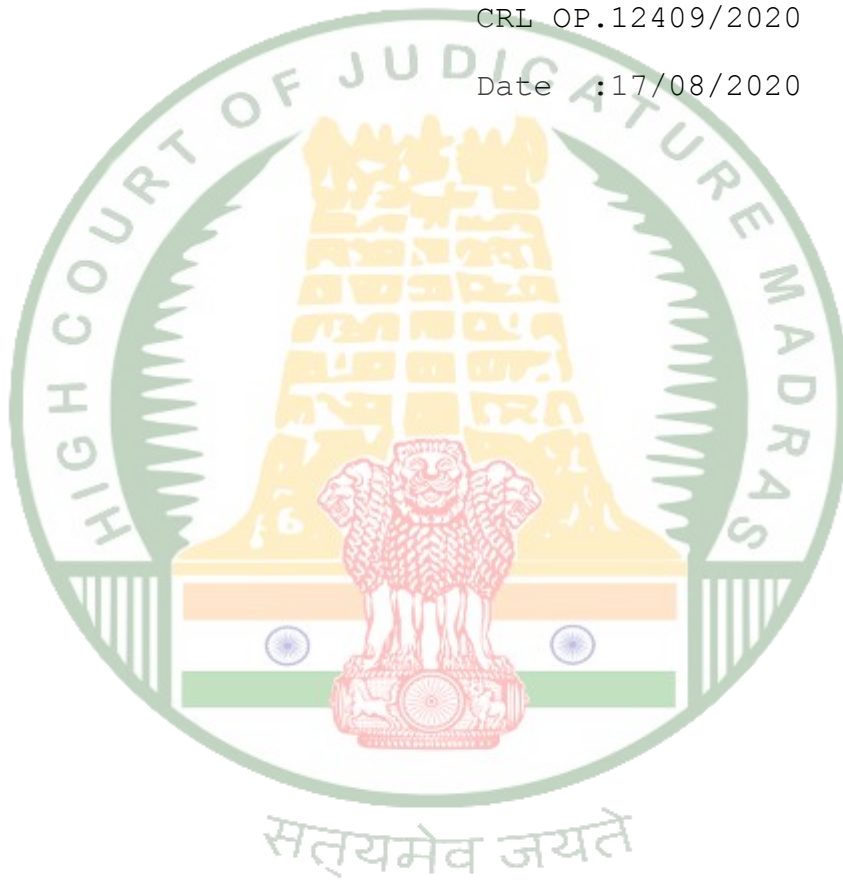
5 THE INSPECTOR OF POLICE,
MANIMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. K.ELANGO VAN Advocate on payment of necessary
charges

CRL OP.12409/2020

Date :17/08/2020

MK:02/09/2020



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