



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2020

CORAM :

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

Crl.O.P.No.12561 of 2020

ANANDHAN

... Petitioner

Vs.

State Rep. by Sub Inspector of Police
Natrampalli Police Station
Vellore District
(Crime No.1003 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1003 of 2020 pending investigation on the file of the Respondent police.

For Petitioner : Mr.E.Kannadasan

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 28.06.2020 for the offences punishable under Section 376 IPC, in Crime No.1003 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Vasanthi, daughter of Raja aged about 35 years is that the petitioner is the husband of her paternal aunty and ten months prior to the occurrence when the defacto complainant had gone near stream to take bath, the petitioner was grazing Cattle. On seeing her, he made a false promise to marry her, had physical relationship with her and the same was not known to anybody. Thereafter, whenever the defacto complainant's aunty was not at home, the defacto complainant was called to petitioner's house and he forcefully had sexual intercourse with her, due to which, she became pregnant and delivered a female child.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are close relatives and the defacto complainant is well aware that the petitioner is a



married man. He would further submit that mere reading of FIR would show that it was not a case of rape or cheating. He would further submit that the petitioner was arrested on 28.06.2020 and is in judicial custody for more than two months.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are relatives. The petitioner being the husband of the paternal aunty of the defacto complainant, on false promise of marrying her, on several occasions had committed sexual assault on the defacto complainant, due to which, she became pregnant and delivered a female child. He would further submit that investigation is pending and the medical examination in respect to the petitioner has been completed.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner from 28.06.2020, 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) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety,** before the learned Judicial Magistrate No.II, Thirupapathur, **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 on his release from prison, shall report before the respondent police everyday 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/-
20/08/2020

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
THIRUPAPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
NATRAPALLI POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON
VELLORE

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

CRL OP.12561/2020

Date :20/08/2020

TA-07/09/2020