

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13058 of 2020

Mohan

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by inspector of Police,
All Women Police Station,
Melmaruvathur,
Chengalpattu District.
Crime No.2 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.2 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Ramalingam

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 08.07.2020 for the offences punishable under Section 376, 417 and 506(i) IPC in Crime No.02 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Kanchana D/o Ragavan is that the defacto complainant and the petitioner are known to each other. The further allegation is that the petitioner induced her on the false promise of marrying her and had sexual relationship with her and thereafter refused to marry her.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence and he would submit that even at the station, before the registration of the case the petitioner was compelled to marry her and since he had not committed any offence, the petitioner refused for the same but pressure was given to the police by the relative of the defacto complainant and since he refused to marry, he was remanded to judicial custody and submitted that even on reading the FIR, there is no allegation of rape and the petitioner is in custody from 08.07.2020 for 56 days.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner induced the defacto complainant on the false promise of marrying her and had sexual intercourse with her and thereafter refused to marry her and he further submit that the investigation is pending.

5. Heard the counsels. Perused the F.I.R

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel, and also considering the period of incarceration suffered by the petitioner from 08.07.2020 for 56 days, 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 **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier** and execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate, Madurantakam, Chengalpattu, 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 stay at Thindivanam and report before the Thindivanam Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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 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.

-sd/-
01/09/2020

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,
MADHURANTAKAM, CHENGALPATTU

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
THINDIVANAM TOWN POLICE STATION, THINDIVANAM

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELMARUVATHUR,
CHENGALPATTU DISTRICT

+1 CC to M/S. A.RAMALINGAM Advocate on payment of
necessary charges SR.NO. 6100

CRL OP.13058/2020

Date :01/09/2020

GKS:04/09/2020