

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14196 of 2020

Rajesh

... Petitioner/Single Accused

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kottakuppam, Villupuram District
(Crime No.7 of 2020)

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 7 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Anburaja

For Respondent : Mrs.S.Thankira
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 13.08.2020 for the offences punishable under Sections 376, 417 and 506(i) of IPC in Crime No. 7 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Vinitha is that the petitioner has given a false promise to marry her and by inducing her had committed sexual intercourse with her and later cheated her. When the defacto complainant had asked to him to marry her, the relatives of the petitioner had intimidated her. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that it is a case of consensual affair which has been falsely projected as cheating and rape. He would further submit that the petitioner is in custody for the past about 47 days. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the victim were in love for the past three years and that on 15.03.2020, the petitioner had induced her and on the false assurance of marrying her, had

committed rape on the victim girl and when the victim had asked the petitioner to marry her, he and the other relatives have threatened her. She would submit that the investigation is completed and charge sheet is yet to be filed. Hence, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 13.08.2020, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vanur, Villupuram District and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Chidambaram and report before the Chidambaram Town Police Station every day at 10.30 a.m., for a period of one month and thereafter report before the respondent police every day at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

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

(e) the petitioner shall not abscond either during trial;

(f) the petitioner shall not tamper with evidence or witness either during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/09/2020

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,
VANUR, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM DISTRICT,

5 THE OFFICER INCHARGE,
SUB JAIL, GINGEE, VILLUPURAM.

6 THE OFFICER INCHARGE,
SUB JAIL, CUDDALORE.

7 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

8 THE OFFICER INCHARGE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM.

CC to M/S. S.ANBURAJA Advocate on payment of necessary charges
Sr.6520

CRL OP.14196/2020

Date :29/09/2020

RVR 30/09/2020