

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17597 of 2020

Arul

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Villupuram,
Villupuram District.
(Crime No.26 of 2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.26 of 2020 pending on the file of respondent.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 417 and 376 of IPC, in Crime No.26 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant namely Mahalakshmi is that the petitioner and the defacto complainant were in love with each other for the past 6 years, on the false promise of marriage, he had sexual intercourse with the defacto complainant on several occasions and later he refused to marry her. Initially the defacto complainant had given a complaint before the Ambattur Police Station, based on which the enquiry was conducted. Thereafter, the petitioner/accused fixed a date for marriage with the another women. Thereafter, on 01.11.2020 the respondent police has registered the present case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submitted that the defacto compliant working in the Tamil Nadu Police Department and also submitted that both the families are ready for performing their marriage. Thereafter it was found that the Horoscope did not match and the petitioner's family refused to perform their marriage. He further insisted that an earlier complainant has been given at Ambattur Police Station, during the enquiry, the defacto complainant stated that the petitioner had a physical relationship with her once at the defacto complainant's house. The present exaggerated complaint has been given as if he had physical intercourse with her on several occasions. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner and the defacto complainant were working in the police department. He further submitted that the petitioner and the defacto complainant were in love with each other for the past 6 years, on the false promise of marriage, he had sexual intercourse with the defacto complainant on several occasions and later he refused to marry her. Initially the defacto complainant had given a complaint before the Ambattur Police Station, based on which the enquiry was conducted. Thereafter, the petitioner/accused fixed a date for marriage with the another women. He further submitted that the investigation is still pending. However, he opposed for grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

a) Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the **learned Additional Session Judge Fast Track Mahila Court Villupuram, Villupuram District**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

08/12/2020

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 ADDITIONAL SESSIONS JUDGE
FAST TRACK MAHILA COURT, VILLUPURAM,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, सत्यमेव जयते
VILLUPURAM,
VILLUPURAM DISTRICT.

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

CRL OP.17597/2020

Date :08/12/2020

TA-17/12/2020