

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2020

CORAM :

THE HON'BLE Mr.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18981 of 2020

A.Ananthavel

... Petitioner

-Vs.-

State represented by
Inspector of Police,
AWPS Ulundurpet Police Station,
Kallakurichi District.
(Crime No.16 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.16 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Panjamurthy

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 14.10.2020 for the offences punishable under Sections 417, 376, 313, 294(b) and 506(ii) IPC in Crime No.16 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant viz., Vino Bharathi, who is aged about 22 years had lodged a complaint on 14.10.2020 stating that the petitioner and the defacto complainant were in love with each other for the past 9 years. Thereafter, since the petitioner had promised to the defacto complainant to marry her, the defacto complainant had physical relationship with him on several occasions. Thereafter, the defacto complainant came to know that the petitioner got engaged with another lady on 16.09.2020 and when the same was questioned by the defacto complainant, the petitioner refused to marry her and also threatened her with abusive words. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant belong to the same village and due to previous enmity, the defacto complainant has lodged a false complaint against the petitioner as if, he had physical relationship with the defacto complainant on the false promise of marrying her and thereafter, cheated her. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner and the defacto complainant were in relationship for the past 9 years. During this period, the petitioner had physical relationship with the defacto complainant on several occasions on the false promise of marrying her. Thereafter, he got engaged with another lady on 16.09.2020 and refused to marry the defacto complainant. Hence, the defacto complaint had lodged a complaint against the petitioner before the respondent police and she has also given a statement under Section 164 Cr.P.C., before the concerned Magistrate. Further, he would submit that the medical examination was also conducted which confirms the allegations against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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, Ulundurpet, 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
03/12/2020

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 JUDICIAL MAGISTRATE COURT, ULUNDURPET
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION]
- 3 THE SUPERINTENDENT, CENTRAL PRISON, VILLUPURAM
- 4 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE
- 5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.
- 6 THE INSPECTOR OF POLICE
AWPS ULUNDURPET POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S.K.PANJAMURTHY Advocate on payment of necessary charges SR.NO.7900

CRL OP.18981/2020

Date :03/12/2020

GKS:07/12/2020