

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.12.2020

CORAM :

THE HON'BLE Mr.JUSTICE V.SIVAGNANAM

CRL.O.P.No. 19831 of 2020

Sivachandiran

.. Petitioner

Vs.

The State rep by
Inspector of Police,
All Women Police Station, Nannilam
Thiruvavarur 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, in connection with Crime No.16 of 2020 pending on the file of the respondent.

For Petitioner : Mr.S.Sountharr

For Respondent : Mr.K.Madhan

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 24.11.2020 for the offence punishable under **Sections 376 and 417 of 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 petitioner promised to marry the defacto complainant and had sexual relationship with her and thereafter refused to marry her. The alleged occurrence said to have taken place 4 years prior to date of complaint. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this. Hence, he prays for grant of bail to the petitioner. He would further submit that the petitioner was arrested on 24.11.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose that the accused on false promise to marry the defacto complainant committed sexual intercourse

and thereafter refused to marry her and if he released on bail.

5. Heard the learned Counsels and perused the F.I.R.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) Accordingly, the petitioner are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Nannilam**, 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 petitioner shall appear before the respondent police every day 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.

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

-sd/-
30/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
SUB JAIL, MANNARGUDI

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NANNILAM,
TIRUVARUR DISTRICT.

+1 CC to M/S.S.SOUNTHAR Advocate on payment of necessary charges
SR.NO.8746

CRL OP.19831/2020

GKS:30/12/2020

Date: 30/12/2020

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