



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.8439 of 2020

Lokesh Kumar

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub Inspector of Police,
All Woman Police Station,
Nagercoil
(Crime No. 26/2020).

... Respondent/Complainant

For Petitioner : M/s.K.P.Narayanakumar,
Advocate.

For Intervenor : M/s.S.Karthikeyan
Advocate

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

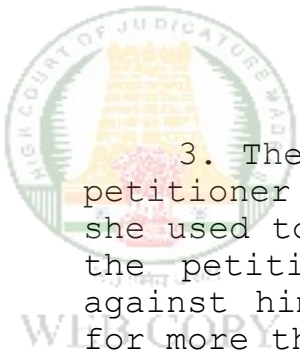
For Bail in Crime No. 26/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 16.07.2020 for the alleged offences under Sections 376, 417, 420, 294(b), 323, 506(ii) of IPC r/w.67 of Information Technology Act, 2000

2. The defacto complainant in this case is a divorcee. The case of the prosecution is that the defacto complainant developed some intimacy with the petitioner herein and on promise of marrying her the petitioner had sexual intercourse with the defacto complainant and also received Rs.5,00,000/- in cash and 30 sovereigns of gold jewels. However after some time he refused to marry her and the petitioner herein also threatened the defacto complainant that he will not marry her and refused to return back the money and jewels.

https://hcservices.ecourts.gov.in/hcservices/
hereby the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has no affair with the defacto complainant and some time she used to visit the office of the petitioner and she want to marry the petitioner since he refused a false case has been foisted against him. He would also submit that the petitioner is in jail for more than one month. Hence he may be granted bail.

4. The learned counsel for the intervenor would submit that the petitioner herein promised to marry A1 and also received Rs.5,00,000/- cash and 30 sovereigns of gold jewels for his business development and he also sexually assaulted her. Now the petitioner refused to marry the defacto complainant and failed to return the money and jewels.

5. The learned Additional Public Prosecutor would submit that investigation is almost completed.

6. Considered the rival submissions and perused the materials on record. From the materials available on record, it is seen that the petitioner on promise to marry the defacto complainant had received Rs.5,00,000/- and gold jewels from the defacto complainant and now refusing to marry her. Co- accused in this case was granted bail. Investigation is almost completed.

7. Taking note of the above facts and circumstances of the case and also taking note of the fact that co- accused in this case was released on bail and the investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Additional Mahila Court, Nagercoil.

i) the petitioner shall deposit a sum of Rs.2,00,000/- to the credit in Crime No. 26 of 2020 pending on the file of the Additional Mahila Court, Nagercoil without prejudice to his defence before the trial Court and only on such deposit the learned Magistrate shall accept the sureties furnished by the petitioner.

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

iii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

<https://hcservices.courtstg.in/hcservices> petitioner shall not tamper with evidence or witness.



v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT, NAGERCOIL.
2. THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, NAGERCOIL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.K.P.NARAYANAKUMAR, Advocate (SR-6219[I] dated 03/09/2020)

ORDER
IN
CRL OP(MD) No.8439 of 2020
Date : 02/09/2020

AAV

<https://hccs.ecourts.gov.in/Reserve/> 02.09.2020/ 3P/6C