

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.752 of 2021

R.Sriram

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
W7-All Women Police Station
Anna Nagar, Chennai
(Crime No.12 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.12 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. K.Selvakumaraswamy

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.12.2020 for the offences punishable under Sections 417 and 376 IPC, in Crime No.12 of 2020, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the the petitioner was in love with the de-facto complainant and on the false promise of marrying her, he had sexual intercourse with her. Subsequently, both of them were living together for two months. Thereafter, he refused to marry her. In the above circumstances, the present complaint has been lodged. The petitioner was arrested on 15.12.2020.

3. The learned counsel for the petitioner would submit that in fact, the petitioner is only known to the de-facto complainant. She had had love affair with another boy and he never promised to marry her and had sexual intercourse with her. Prior to the complaint, the de-facto complainant's father went to the petitioner's house and threatened the petitioner and his family members that if they did not arrange marriage for his daughter with the petitioner, they would

father lodged a complaint on 25.11.2020 before the Inspector of Police, K-8, Arumbakkam Police Station and the same is pending in C.S.R No.362 of 2020. In the meantime, the present complaint has been filed and based on that complaint, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody since 15.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the de-facto complainant was engaged by the petitioner to look after his mother and taking advantage of the situation, the petitioner had sexual intercourse with the de-facto complainant on the false promise of marrying her. Subsequently, he failed to do so. Hence, the complaint has been given against the petitioner. Investigation in this case almost completed.

5. Considering the fact that the petitioner and the de-facto complainant are lovers and also of the fact that investigation almost completed and also taking note of the fact that the petitioner is in judicial custody from 15.12.2020, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional Mahila Judge, Egmore, Chennai, 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, on his release from prison, shall report before the respondent police, daily at 10.30 a.m until further orders.

(d) the petitioner is directed to subject himself for medical examination, if required.

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

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

(g) the petitioner shall not tamper with evidence or witness either during investigation or 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

(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/-
21/01/2021

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 MAHILA JUDGE,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, W
7- ALL WOMEN
POLICE STATION, ANNANAGAR, CHENNAI.

+1 CC to M/S. K.SELVAKUMARASWAMY Advocate on payment of necessary charges SR.No.696

WEB COPY

CRL OP.752/2021

Date :21/01/2021

cs 22/01/2021