

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.623 of 2021

Venkatesh

... Petitioner

Vs.

State Rep. by
Inspector of Police
Ethappur Police Station,
Salem District, Tamil Nadu.
(Crime No.697/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.697 of 2020 on the file of respondent police.

For Petitioner : Mr.S.T.Bharath Gowtham

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.11.2020 for the alleged offence under Sections 417, 376 and 506(i) of IPC and section 3(2)(v) of SC/ST (POA) Amendment Act 2015 in Crime No.697 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner and the victim loved each other for more 5 years. The defacto complainant belongs to SC/ST Community. On the false promise of getting marriage, the petitioner said to have had sexual intercourse with the victim and subsequently, he refused to marry her. Hence, the case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that both of them loved each other for more than 5 years. Only because of the opposition from the relatives, he could not marry the victim and he has no intention to cheat the victim. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner, on the false promise of marrying her, had sexual intercourse with her and subsequently, refused to marry her. Now, investigation is almost completed and the statement under Section 164 Cr.P.C. has been recorded.

5. From the materials available on records, including the statement of the victim, it could be seen that both the petitioner and the victim girl loved each other for more than 5 years. It is also stated that the petitioner had promised to marry her and also had sexual intercourse with her on several times.

7. Taking into consideration the facts and circumstances of the case and the fact investigation is almost completed and the statement of the victim recorded 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, No.1, Attur 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 everyday 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/-
04/02/2021

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 JUDICIAL MAGISTRATE NO.I,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ETHAPPUR POLICE TATION,
SALEM DISTRICT.

+1CC to M/S.S.T.BHARATH GOWTHAM Advocate on payment of
necessary charges SR NO.1130

CRL OP.623/2021

Date :04/02/2021

MK:05/02/2021

<https://hcservices.ecourts.gov.in/hcservices/>