

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1112 of 2021

Periyasami

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station
Tirukoilur Taluk
Kallakurichi District
(Crime No.43 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.43 of 2018 pending investigation on the file of the Respondent.

For Petitioner : Mr. A.G.Rajan

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 23.12.2020 for the offences punishable under Sections 294(b), 417, 376, 506(i) IPC, in Crime No.43 of 2018, seeks bail.

2. The petitioner is the sole accused. The allegation is that the petitioner is the neighbour of the victim, who is aged 31 years and on the false promise of marrying the victim girl, the petitioner had physical relationship with her and thereafter, refused to marry her and when the same was questioned by the parents of the victim, the petitioner abused them in filthy language and also criminally intimidated them. The petitioner was arrested on 22.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner is the neighbour of the victim and due to some other motive, a false complaint has been given against him. Now, investigation is over and final report has also filed. He would further submit that the petitioner has been in judicial custody since 23.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor strongly opposed this bail application stating that the petitioner, on the false promise of getting marry the victim girl, he had physical intercourse with the victim girl and when the same was questioned by the parents of the victim girl, the petitioner abused them in filthy language and also criminally intimidated them. She would further submit that the investigation has been completed and final report was also filed and now, the matter is pending for committal.

5. Considering the facts and circumstances of the case and of the fact that the investigation is over and final report has been filed and the matter is pending for committal and also taken into account the period of incarceration undergone 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 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 Judicial Magistrate, Kallakurichi, 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 appear before the committal Court on all hearing dates 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 55601;

(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 is ordered.

-sd/-
27/01/2021

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 JUDICIAL MAGISTRATE,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUKOILUR TALUK,
KALLAKURICHI DISTRICT.

CC to M/S.A.G.RAJAN Advocate on payment of necessary charges

CRL OP.1112/2021

Date :27/01/2021

MK:29/01/2021