

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1535 of 2021

R. Pandiyan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruvarur All women Police Station,
Thiruvarur District.
(Crime No.21 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.21 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s. P. Muthamizhselvakumar

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the offence punishable under Sections 417 and 376 IPC in Crime No.21 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the victim is the uncle's daughter of the petitioner and the petitioner alleged to have sexual intercourse with defacto complainant on the promise that he would marry her and thereafter, refused to marry her. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the victim is the own uncle's daughter of the petitioner. The petitioner is always ready and willing to marry her, but the victim girl has given a false complaint against him at the instigation of her

parents. Today, the petitioner has also filed an affidavit before this Court stating that he is ready to marry the defacto complainant within one month . Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the false promise of getting marriage, the petitioner had sexual intercourse with the victim girl, who is none other than the daughter of his own uncle and thereafter, refused to marry her. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and also considering the undertaking affidavit filed by the petitioner stating that he is ready and willing to marry the victim girl within one month 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 Sessions Judge, Fast Track Mahila Court, Thiruvavarur, 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 report before the respondent police once in a week, i.e., on every Monday 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/-
08/02/2021

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THIRUVARUR.

2 THE SUPERINTENDENT,
DISTRICT PRISON, THIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR ALL WOMEN POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.1535/2021

Date :08/02/2021

cs 09/02/2021