

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4740 of 2021

Endly Vikki

... Petitioner

Vs.

The Inspector of Police,
All women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.2 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in crime No.2 of 2021 on the file of the respondent police.

For Petitioner : Mr.Sathiyaraj E.

For Respondent : Mrs.M.Prabhavathi
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 20.02.2021 for the offence punishable under Sections 376(1), 417, 294(b), & 506(i) of IPC in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant, loved each other for more than 6 years. On a false promise of getting marriage, the petitioner said to have sexually assaulted the defacto complainant and thereafter, when the family members of the defacto complainant approached the petitioner's family and asked the petitioner to marry her, the petitioner refused to marry her and also criminal intimidated her. Hence, the complaint came to be registered. The petitioner was arrested on 20.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is residing at Chennai. Now, he is doing his doctorate and the defacto complainant is living in a remote village in Thiruvannamalai there is no occasion for him to have physical relationship with the petitioner. A false case has been foisted against the petitioner. He is in jail from 20.02.2021.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose the bail petition stating that the petitioner and the defacto complainant loved each other for more than 5 years and on the false promise of getting marriage, the petitioner had sexual relationship with the defacto complainant and subsequently failed to keep the promise. Now, medical examination of the petitioner is also over and investigation is also almost completed.

5. Considering the facts and circumstances of the case, and the fact that investigation is almost completed and medical examination of the petitioner is also over 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-II, Thiruvannamalai, 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 the prison, shall report before the respondent police, daily 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/-
30/03/2021

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.II, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR.NO. 4270

WEB COPY
CRL OP.4740/2021
Date :30/03/2021

rvr 31/03/2021