

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5496 of 2021

M.Vipin

... Petitioner

Vs.

State rep. by
The Inspector of Police,
AWPS, Ponneri,
Ponneri, Tiruvallur District.
(Crime No.03/2021) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.03 of 2021 on the file of the respondent Police.

For Petitioner : Mr.D.Sam Nadhakumar

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

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 06.02.2021 for the offence punishable under Sections 417, 376, and 506(i) of I.P.C., in Crime No.03 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant is doing B.P.E.S. II year at YMCA College, Chennai and the petitioner is her neighbour. Both of them loved each other for more than 1 ½ years. Subsequently, on the false promise of getting marriage, the petitioner had sexual intercourse with her. Thereafter, he has refused to marry her. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 06.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has never loved the defacto complainant and he is her neighbour. He would submit that only the victim girl wants to marry her and when he refused to marry, a false complaint has been

given. He would submit that he is an innocent person and the petitioner is in jail from 06.02.2021. Hence, he prayed to grant 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 has sexually assaulted the defacto complainant, who is a college going girl and now, both of them are subjected for medical examination. She would submit that the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that not the investigation is almost completed, both the petitioner and the defacto complainant are subjected for medical examination and also considering the period of incarceration suffered by the petitioner from 06.02.2021, 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.II, Ponneri**, 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, after his release from 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/-
19/03/2021

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.D.SAM NANDHAKUMAR Advocate on payment of necessary charges SR.NO.3675

CRL OP.5496/2021

Date :19/03/2021

TA-22/03/2021

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