

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6407 of 2021

Rajeev

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Arni, Tiruvannamalai Dt.
(Crime No.5 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.5 of 2021 pending investigation on the file of the Respondent.

For Petitioner : M/s.M.Rebecca

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

O R D E R

(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 25.02.2021 for the offence punishable under Sections 417, 376(1), 315 and 506(1) of I.P.C., in Crime No.5 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant said to have loved each other for more than five years and on the promise of getting married, he has sexually assaulted her in the year 2016, she has also got pregnant and subsequently, she has aborted the child. Thereafter, in the year 2020, when the defacto complainant demanded the petitioner to marry her, he has refused to marry. Hence, a criminal case has been registered against him and the petitioner was arrested and remanded to judicial custody on 25.02.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that it is a matrimonial dispute, the petitioner and the defacto complainant have loved each other for five years and there is no sexual relationship between them. While being so, the defacto complainant wanted to marry him, and due to his family situation, he is not inclined to marry her. Now, he is in jail for more than one month. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the false promise of marrying the defacto complainant, the petitioner has sexually assaulted her several times and now refused to marry her. Hence, the present complaint has been filed against the petitioner. Now, the investigation is almost completed and the other arrested co-accused were released on bail. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that now the investigation is almost completed, the other arrested co-accused were released on bail, and also considering the period of incarceration suffered by the petitioner for nearly one month, 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 learned Judicial Magistrate, Arni, 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 as and when required for interrogation;

(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/-

31/03/2021

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,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI, TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.M.REBECCA Advocate on payment of necessary charges
SR.No.4344

CRL OP.6407/2021

Date :31/03/2021

cs 01/04/2021