

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7411 of 2021

Sivasurya

... Petitioner

Vs.

State represented by its, Respondent
The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai - 600 039.
(Crime No.3 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.3 of 2021 on the file of the respondent.

For Petitioner : Mr. S. Ramprasad

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 25.02.2021 and remanded to judicial custody for the offences under Sections 417 and 376 of I.P.C in Cr.No.3 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner committed sexual assault on the victim girl and thereby she became pregnant. Subsequently the petitioner is refusing to marry the victim girl. Based on the complaint given by the mother of the victim girl, the case came to be registered.

3. The learned counsel for the petitioner submits that the petitioner and the victim girl loved each other and now the petitioner is ready to marry the victim girl. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner committed sexual assault on the victim girl and thereby she became pregnant and the petitioner refused to marry the victim girl. Hence, the case came to be registered. On instructions she submits that now the petitioner and the victim girl are ready to marry and both the parents have arranged for the marriage.

5. Taking into consideration the fact that nothing that the petitioner is ready to marry the victim girl 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:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **Additional Mahila Court, Egmore** and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
30/04/2021

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 ADDITIONAL MAHILA COURT
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-18, ALL WOMENS POLICE STATION,
MKB NAGAR, CHENNAI-600 039.

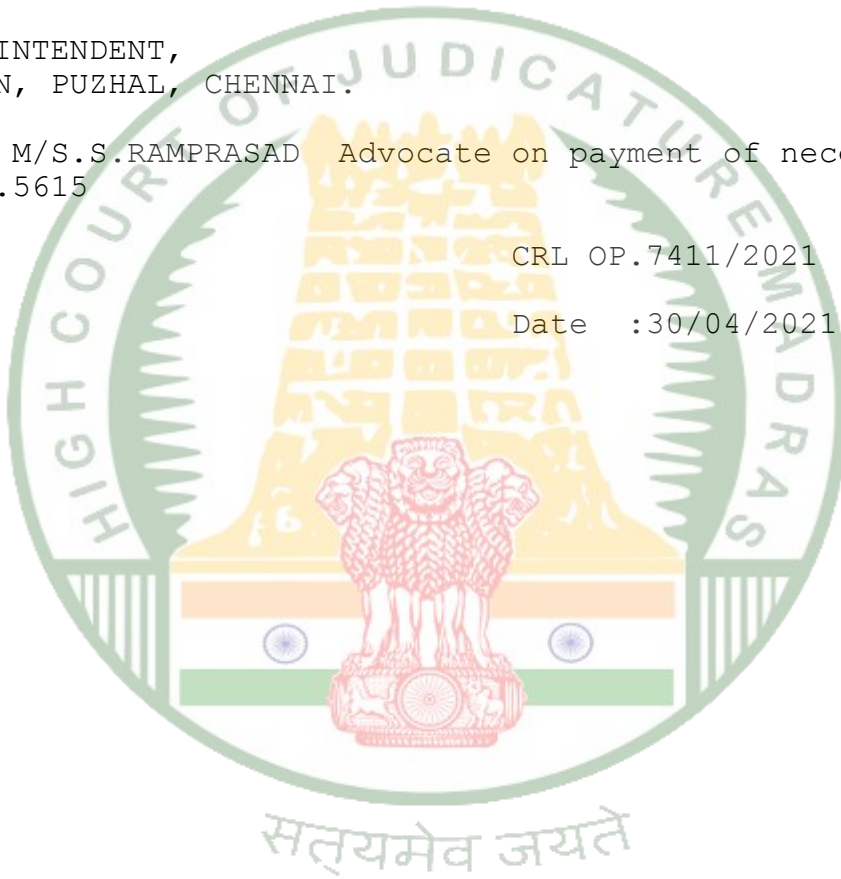
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+2 CC to M/S.S.RAMPRASAD Advocate on payment of necessary
charges SR.NO.5615

CRL OP.7411/2021

Date :30/04/2021

TA-03/05/2021



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