

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8550 of 2021

Vigneshwaran

.. Petitioner

Vs.

State by its
Inspector of Police
All Women Police Station
Thiruvallur Thiruvallur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.6 of 2021 on the file of the respondent.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 12.04.2021 for the alleged offences under Sections 294(b), 417, 376, 313 and 506(i) of IPC in Crime No.6 of 2021. He seeks bail.

3. The case of the prosecution is that the petitioner had physical relationship with the de facto complainant on several occasions, due to which the de facto complainant became pregnant as a result of the petitioner administering soft drinks to the de facto complainant and aborted the fetus without her knowledge.

4. The learned Government Advocate (Crl. Side) would submit that the Potential Certificate is yet to be obtained.

5. Be that as it may, on a reading of FIR it gives an impression that it is a love affair which has gone sour. The petitioner is now said to be

engaged with another person. The de facto complainant who was jilted by the petitioner has given the complaint. In any event, continued incarceration of the petitioner will not serve any purpose. Hence, 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, Thiruvallur, 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 not commit any offences of similar nature;

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

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

(f) 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];

(g) 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.

सत्यमेव जयते

-sd/-

05/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR, THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

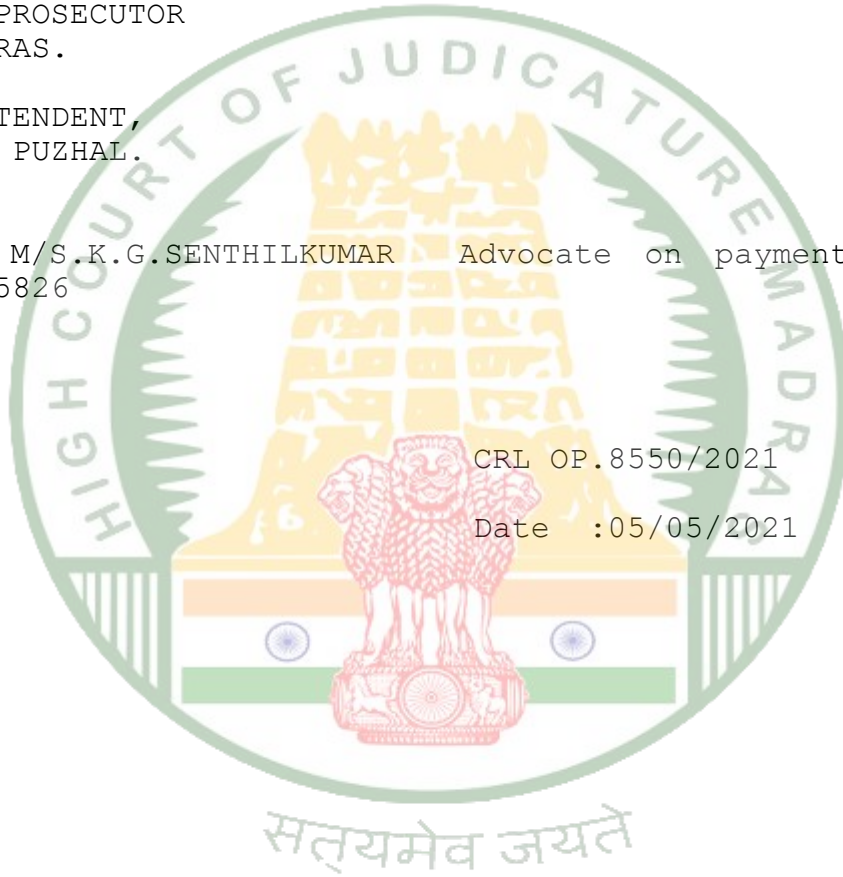
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary
charges SR.No. 5826

CRL OP.8550/2021

Date :05/05/2021

MN-06/05/2021



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