

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.8714 of 2021

Ravichandran @ Karthik ...Petitioner

Versus

State represented by
The Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.
(Crime No.5/2021) ...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in connection with the case in Crime
No.5 of 2021 pending investigation on the file of the respondent/police.

For Petitioner : Mr.T.Benny Ebenezer

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 24.03.2021 for the alleged offences punishable under Sections 493, 495, 417, 420, 294(b) and 506 (I) IPC in Crime No.5 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner, who is a married man having two children, deceived the *de facto* complainant on the promise of marriage and had sexual intercourse with her; the petitioner has also got money from the *de facto* complainant to the tune of Rs.15,00,000/- and cheated her. Therefore, this case came to be registered under Sections as stated *supra*.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was working in Indian Army on the date of occurrence in Belgaum. He would further submit that the petitioner has been in judicial custody since 24.03.2021 and prays to grant bail to the petitioner. It is his further submission that the *de facto* complainant has filed H.M.O.P. proceedings seeking divorce from her husband and the same is pending on the file of the Subordinate Court, Arakonam.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed this bail petition on the ground that taking advantage of the fact that the *de facto* complainant was living separately from her husband, the petitioner, on the false promise of marriage, had

sexual intercourse with her and cheated her to the tune of Rs.15,00,000/-.

5. These claims and counter claims cannot be considered at this stage and the same can be considered only during trial.

6. Considering the facts and circumstances of the case, where, the *de facto* complainant is already married and the divorce proceedings in H.M.O.P.No.62 of 2018 filed by the *de facto* complainant is pending and also the fact that the petitioner is in judicial custody since 24.03.2021, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal 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, Arakkonam**, and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

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

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

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR***

SCW 5560J; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

13.05.2021

nsd

Note: Issue Order copy on 13.05.2021

To

- 1.The Judicial Magistrate,
Arakkonam
- 2.The Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.



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G.CHANDRASEKHARAN, J.,

nsd



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