

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.06.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9930 of 2021

Ramesh @ Ramesh Kannan

... Petitioner

Versus

The State by rep. By
The Station House Officer,
A.W.P.S, Tindivanam

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail pending investigation in Crime No.06 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Sudhakar for
Mr.G.Tamilselvan

For Respondent : Mr.E.Raj Thilak,
Counsel for Government (Crl.Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 16.04.2021 for the offences under Section 417, 376, 506(i) of IPC r/w. 3(2) (v) of the SC /ST (POC) Amendment Act 2015 @ Section 417, 376, 506(i) IPC, in Crime No.06 of 2021 on the file of the respondent police, seeks bail.

2. According to prosecution, the petitioner is alleged to have had physical intercourse with the defacto complainant/victim girl on the promise that he will marry her and thereafter, he failed to marry the victim girl, resulting in registration of the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner had been remanded to judicial custody on 16.04.2021 and he has already suffered incarceration for more than 51 days. The learned counsel further submitted that this Court may consider releasing the petitioner on bail by imposing certain conditions.

4. The learned counsel for Government (Criminal Side) on instructions would submit that the victim girl is aged about 31 years and she has been in relationship with the petitioner for quite some time. The learned counsel further submits that the victim girl is conscious about her acts. On refusal of the marriage, she has given a complaint against the petitioner. The learned counsel further submits that substantial portion of the investigation has been completed.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is in judicial custody from 16.04.2021, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) On releasing, the petitioner shall report before the respondent police, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) 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];

(i) 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/-
07/06/2021

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.I,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
A.W.P.S., TINDIVANAM.

CC to M/S.G.TAMILSELVAN Advocate on payment of necessary charges

CRL OP.9930/2021

Date :07/06/2021

MK:08/06/2021