

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9933 of 2021

Raji

... Petitioner

Vs.

State rep by

The Inspector of Police,
All Women Police Station,
Uthukottai,
Thiruvallur District,
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.5 of 2021 pending investigation on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.E.Raj Thilak
Counsel appearing for
Government of Tamil Nadu (Crl side)

ORDER

The petitioner who was arrested on 16.05.2021 and remanded to judicial custody for the offences punishable under Sections 417, 376, 147, 294(b) and 506(ii) of IPC, in Cr.No.5 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with the defacto complainant and had sexual relationship and refused to marry her. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 16.05.2021. . He would further submit that the co-accused had already been granted anticipatory bail by this Court in CrI.O.P.No.9710 of 2021 dated 27.05.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned counsel appearing for Government of TamilNadu (Crl.Side) would submit that the petitioner had love affair with the defacto complainant and had sexual relationship and refused to marry her. Hence, he vehemently opposed for grant of bail to the petitioner.

5 Considering the fact that both the petitioner and the victim girl hailing in the same village and they have developed relationship and the marriage was refused by the parents of the petitioner and the period of incarceration suffered by the petitioner and the present COVID-19 pandemic situations, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent, of the Sub Jail, Thiruvallur, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Uthukottai, within a period of 15 days from the date of lifting of lockdown 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 release 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.

(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 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/-
04/06/2021

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,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB-JAIL, THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKOTTAI,
THIRUVALLUR DISTRICT.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9933/2021

Date :04/06/2021

MK:07/06/2021