

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.No.12612 of 2021

Gopi

... Petitioner

Vs.

State Rep by its,
The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi
Thiruvarur District.
(Crime No.2 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 connection with Crime No.02 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.D.Lakshmipathy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER**(The case has been heard through video conference)**

The petitioner, who was arrested on 24.01.2021 for the offence under Sections 417 and 376 I.P.C. in Cr.No.2 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on false promise, the petitioner induced the victim girl and developed a love affair with her and had a physical relationship with her and she became pregnant and she delivered a female baby. A complaint came to be lodged by the de-facto complainant victim girl before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is ready to marry the victim girl and the petitioner accepts that he is the biological father of the female baby. Hence he prays for grant of bail to the petitioner.

4. The petitioner has also filed an affidavit, in which in Paragraph No.4, it has been stated as follows:

"I respectfully submit that I am in judicial custody for more than 180 days and in the meantime a baby also born to

her and I am having communication with the defacto complainant and I agreed to marry the defacto complainant and the defacto complainant also willing to marry me. Hence, I am undertaking to marry the defacto complainant namely Gunasundari daughter of Kalyanasundaram."

5.The learned Government Advocate (Crl. side), on instructions, would submit that the victim girl is also willing to marry the accused and they compromised the issue.

6.Considering the fact that the petitioner is ready to marry the victim girl and a compromise that has been arrived at between the parties, I am inclined to grant bail to the petitioner.

7.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 learned Judicial Magistrate, II Mannargudi, and on further condition that:

(a)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,

(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.

सत्यमेव जयते

28.07.2021

RR

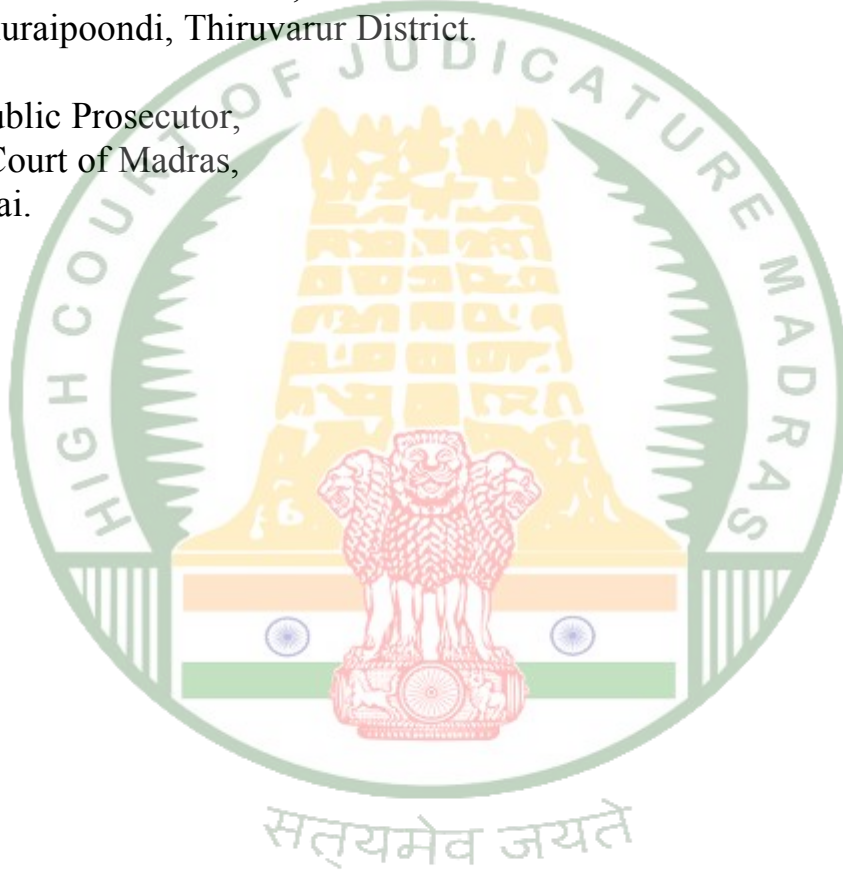
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To:

1.The Judicial Magistrate No.II
Mannargudi.

2. The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi, Thiruvallur District.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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M.DHANDAPANI,J.

RR



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