



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13562 of 2021

Siva,

... Petitioner

Vs.

State by:

... Respondent

The Sub-Inspector of Police,
AWPS Police,
Arani, Thiruvannamalai.
(Crime No.9 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.9 of 2021 on the file of the respondent police.

For Petitioner : M/s.Dass & Viswa Associates

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

For Intervenor : Mr.N.Sudharsan

ORDER

The petitioner who was arrested on 16.07.2021 and remanded to judicial custody for the offences under Sections 294(b), 376(2)(n), 417, and 506(ii) of IPC, in Crime No.9 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a defence and he induced the defacto complainant and he has made sexually intercourse with the defacto complainant on false promised to marry her. Thereafter, the petitioner refused to marry the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 16.07.2021. He further submits that the defacto complainant is the elder than the petitioner and on the date of occurrence of the year 2014, however, the complaint was filed after lapse of seven years. Hence he prays for grant of bail to the petitioner.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.



5. The learned counsel for the intervenor/defacto complainant submits that the defacto complainant is the elder than the petitioner, even though, the petitioner had committed sexual intercourse with the defacto complainant. Thereafter, the petitioner had refused to marry the defacto complainant. Hence, he strongly opposed for grant of bail to the petitioner.

6. This Court is of the view that on perusal of FIR, the occurrence alleged of the year 2014, however, the complaint was filed after lapse of seven years and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arani, 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. until further orders;

(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.

-sd/-
10/08/2021

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,
ARANI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANI, THIRUVANNAMALAI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of
necessary charges SR.NO.8300

CRL OP.13562/2021

Date :10/08/2021

INBA 10/08/2021