



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14212 of 2021

Sethupathi

... Petitioner

Vs.

State by the Inspector of Police,
All Women Police Station,
Villupuram.
(Crime No.24 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail relating to the case registered as Crime No.24 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 17.07.2021 and remanded to judicial custody for the offences punishable under Sections 417 and 376 of IPC in Crime No.24 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the defacto complainant and thereafter under the guise of marrying her had sexual intercourse with the defacto complainant. Subsequently the petitioner refused to marry the victim girl. Hence, the complaint was registered.

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 17.07.2021. The petitioner and the victim are loving each other and the petitioner is ready to marry the victim once attains majority. He further submits that now the petitioner is ready and willing to marry the victim girl and he has also filed an affidavit to that effect. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner under the pretext of marrying the victim girl had sexual intercourse with her and thereafter refused to marry the victim girl. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. Considering the fact of the case and the victim girl has been secured and also considering the period of incarceration suffered by the petitioner and the petitioner is now ready and willing to marry the victim girl and he has also filed an affidavit to that effect, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 Additional Mahila Court, Villupuram, 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, 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.

-sd/-

13/08/2021

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.

(*)BEING MENTION ORDERED AS PER ORDER OF THIS COURT DATED 17/08/2021

TO

1 THE ADDITIONAL MAHILA COURT
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILLUPURAM.

4 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

CC to M/S C.MUNUSAMY Advocate on payment of necessary charges

CRL OP.14212/2021

Date :13/08/2021

TA-16/08/2021

CSK 17/08/2021