



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16028 of 2021

Allimuthu

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
AWPS Sooramangalam Police Station,
Salem City.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail in Crime No.27 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Karthick

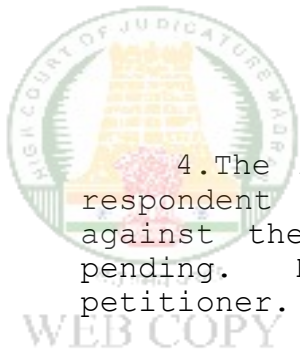
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 02.08.2021 and remanded to judicial custody for the offences under Section 294(b) and 417 altered to Section 294(b), 417 and 506(i) of IPC, in Crime no.27 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner is the cousin of the defacto complainant and both of them loved each other and the petitioner committed sexual assault on the defacto complainant. Subsequently the defacto complainant became pregnant and they decided to abort the foetus, for which she took tablets and foetus was aborted. Thereafter, the petitioner refused to marry the victim girl. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel for the petitioner would submitted that the petitioner would fell in love with the defacto complainant, apart from that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has been in jail from 02.08.2021. Therefore, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. He further submits that investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, 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 Additonal Mahila Court, Salem**, and further conditions 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;

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

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE ADDITIONAL MAHILA COURT
SALEM.

WEB COPY

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS SOORAMANGALAM POLICE STATION,
SALEM CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. S.KARTHICK Advocate on payment of necessary
charges SR.NO.9577

CRL OP.16028/2021

Date :06/09/2021

TA-07/09/2021