

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.18595 of 2020

A. Sivaraman

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Karumandurai Police Station,
Salem District.
(Crime No.187 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.187 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. L. Mouli

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 09.10.2020 for the offence punishable under Sections 417, 376 and 506(i) of IPC in Crime No.187 of 2020, seeks bail.

2. The petitioner is the sole accused in this case. The allegation is that on the false promise of marriage, the petitioner had sexual intercourse with the defacto complainant and thereby, she got pregnant and thereafter, when the de-facto complainant requested the petitioner to marry her, the petitioner refused to marry her and also criminally intimidated her.

3. Earlier, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to marry the victim and he has also filed an undertaking affidavit to that effect before this Court. After considering the undertaking affidavit, this Court, by an order dated 23.12.2020, granted interim bail to the petitioner with condition that the petitioner shall marry the victim girl within a period of eight weeks and the matter was directed to be posted on 03.02.2021, for reporting compliance.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner got married the de-facto complainant on 31.01.2021 and now, they are living together.

5.The learned Additional Public Prosecutor also submitted that the petitioner married the de-facto complainant.

6. In view of the above, interim bail already granted to the petitioner by this Court on 23.12.2020, is made absolute subject to the following conditions:

[a] Accordingly, the petitioner is directed to surrender on condition to execute two sureties for sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Attur, and on further conditions that:

[b] 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;

[c] the petitioner shall report before the respondent police as and when required for interrogation;

[d] the petitioner shall not commit any offences of similar nature;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Judicial 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];

[h] 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/-

03/02/2021

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,
NO.II, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

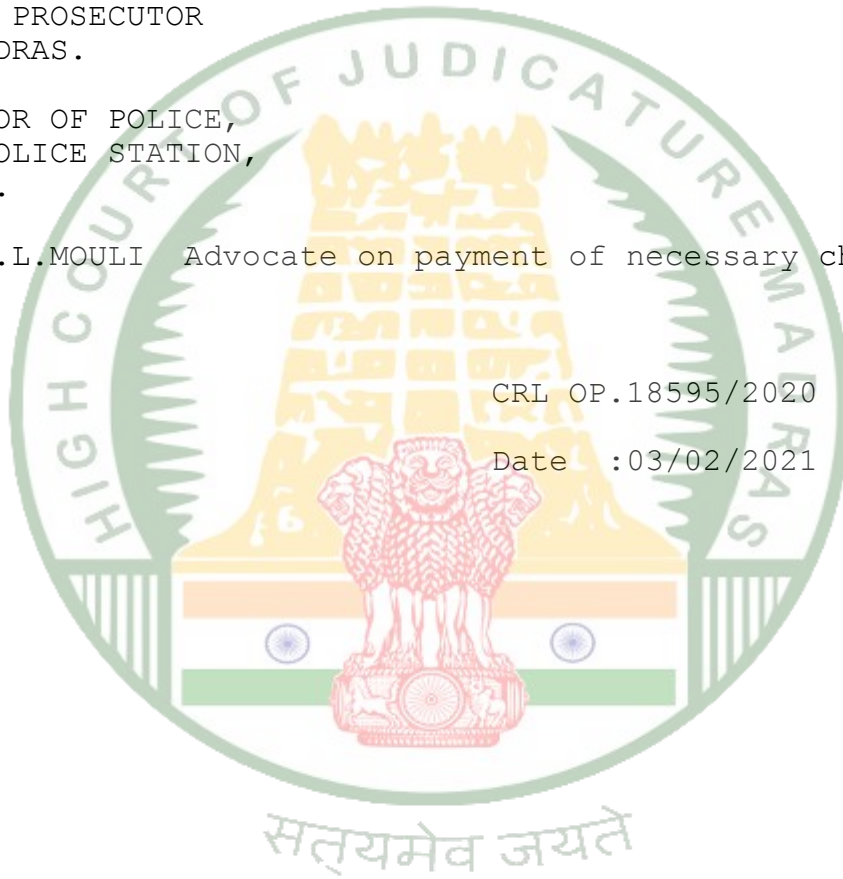
5 THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT.

CC to M/S.L.MOULI Advocate on payment of necessary charges

CRL OP.18595/2020

Date :03/02/2021

RVR 04/02/2021



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