



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18275 of 2021

M.Sivakumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
W-10 All Women Police Station,
Flower Bazar,
Chennai.
Crime No.6 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.6 of 2021 on the file of the respondent police.

For Petitioner : Mr.Y.Mohamed Ghouse

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 13.07.2021 and remanded to judicial custody on 14.07.2021 for the offences punishable under Sections 376, 417 and 506(ii) of IPC, in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2. This is the second bail application filed before this Court. The case of the prosecution is that the petitioner fell in love with the defacto complainant. Further, the defacto complainant had sexual intercourse with the petitioner by administering sedative drugs. Subsequently intercourse is by threat by showing some obscene photos of the defacto complainant. 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 offence and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 14.07.2021. He



further submitted that the petitioner and the defacto complainant are loving each other and the petitioner is ready to marry the defacto complainant. He further submits that now the petitioner is ready and willing to marry the defacto complainant and the father of the petitioner has also filed an affidavit to that effect. Hence he prays for grant of bail to the petitioner.

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

5. Considering the period of incarceration suffered by the petitioner and the petitioner is now ready and willing to marry the victim girl and the father of the petitioner 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 VIII M.M., George Town, Chennai, 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 is directed to marry the victim girl within a period of three months.

(d) 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/-

30/09/2021

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 VIII METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-10, ALL WOMEN POLICE STATION,
FLOWER BAZAR, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S. Y.MOHAMED GHOUSE Advocate on payment of necessary charges

CRL OP.18275/2021

Date :30/09/2021

APN 01/10/2021