

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19286 of 2020

in Crl.M.P.No.407 of 2021

Shaik Mohammed

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tambaram
Chennai-45
(Crime No.15 of 2020)

... Respondent

Taskeen Banu,

[Petitioner/Defacto-Complainant]

[ORDERED AS PER ORDER OF THIS COURT DATED 20/01/2021 IN CRL.MP.407 /2021 IN CRL.O.P.NO.19286/2020]

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.15 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. R.Dinesh Kumar

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

For Intervenor : Mr.A.Ilayaperumal

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.11.2020 for the offences punishable under Sections 417, 376 and 506(i) of IPC in Crime No.15 of 2020, seeks bail.

2. The petition is the sole accused in this case. The allegation is that the petitioner was in love with the de-facto complainant and on the promise of marrying her, he had sexual intercourse with her and thereby, she got pregnant and thereafter, when the de-facto complainant requested the petitioner to marry

her, the petitioner criminally intimidated her to abort the foetus. Hence, the complaint has been lodged.

3. Earlier, this Court had granted interim bail to the petitioner on 11.12.2020 with condition that the petitioner shall marry the victim girl and shall produce the proof for the same and the matter was directed to be posted on 18.01.2021, for reporting compliance.

4. Today, when the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner that the petitioner got married the de-facto complainant and now, they are living together and already, the de-facto complainant gave birth to a male child.

5. The learned counsel for the intervenor/de-facto complainant also submitted that the petitioner had married the de-facto complainant.

6. In view of the above, interim bail already granted to the petitioner by this Court on 11.12.2020, 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, Tambaram** within a period of two weeks from the date of receipt of a copy of this order, failing which the bail granted by this Court shall stand dismissed automatically.

[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/-
20/01/2021

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI-45.

CC to M/S.R.DINESHKUMAR Advocate on payment of necessary charges

+1 CC to M/S.A.ILAYAPERUMAL, Advocate on payment of necessary charges SR.NO.567

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Date :20/01/2021

TA-21/01/2021