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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19864 of 2021

D.Jothikrishnan

... Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Tirupur District.
(Crime No.14 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.14 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Kumaresan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.08.2021 for the offences punishable under Sections 376, 417, 406, 420 of IPC, in Crime No.14 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 there was a love affair between the petitioner and the defacto complainant. Further, the petitioner had false promised to marry her and thereafter, the petitioner has made sexual intercourse with her. Thereafter, the petitioner had refused to marry her. Hence, the complaint.

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 13.08.2021. He also further submitted that initially, the petitioner filed bail



application before this Court in Crl.O.P.No.17125 of 2021 and the same was dismissed. Subsequently, the petitioner is ready to marry the defacto complainant. He further submitted that the petitioner 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 defacto complainant is also ready to marry the petitioner. He further submitted that there is no previous case pending against the petitioner. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is now ready and willing to marry the victim girl and filed an affidavit to that effect and further 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 Additional Mahila Court, (Judicial Magistrate Level) of Tirupur, 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 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.

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-sd/-
26/10/2021

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 ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, DHARAPURAM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.KUMARESAN Advocate on payment of necessary charges SR.NO.11762

CRL OP.19864/2021

Date :26/10/2021

INBA-27/10/2021