

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20128 of 2020

Arivunithi

... Petitioner

-versus-

State Rep. By
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
[Crime No.1373 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. 1373 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. E.Kannadasan

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 01.12.2020 in connection with a case registered in Crime No.1373 of 2020 for the offence punishable u/s 417, 376, 294(b), 506(i) of IPC and Section 4 of The Tamil Nadu Prohibition of Harassment of Women Act, 2020, seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant were in love with each other and the petitioner promising that he would marry the de facto complainant had sexual relations on multiple occasions, made her pregnant for four times and forced to abort, but, later on refused to marry her.

3. Earlier, when the matter came up for hearing, on considering the submission made by the learned counsel for the petitioner that the petitioner was willing to marry the victim girl, this court had granted interim anticipatory bail to the petitioner on certain conditions

4. Today, when the matter is taken up for hearing, both the petitioner and the de facto complainant who are present in court submitted that already they have got married which has also been duly registered and the petitioner is looking for a house for them to lead a separate marital life.

5. The learned Additional Public Prosecutor appearing for the respondent has no serious objection in making the interim bail absolute.

6. Considering the above developments, more particularly, in the interest of the victim and the other facts and circumstances of the case said facts and circumstances of the case, this Court is inclined to grant regular bail to the petitioner on conditions.

[a] Accordingly, the interim bail granted to the petitioner is made absolute. The petitioner, who has been released on interim bail, is directed to appear before the learned Additional Mahila Court, Krishnagiri, within a period of fifteen days from the date of receipt of a copy of this order and on such appearance and furnishing surety bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the court, the petitioner is directed to be released on regular bail 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 by the respondent police;

(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 has been 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/04/2021

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,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.4463

CRL OP.20128/2020

Date :01/04/2021

TA-07/04/2021

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