



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20075 of 2021

Nagaraj

... Petitioner

Vs.

State rep by
Inspector of Police,
AWPS, Kallakurichi,
(Crime No.21 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.21 of 2021 on the file of the Inspector of Police, AWPS, Kallakurichi.

For Petitioner : Mr.G.Mohammed Aseef

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

ORDER

The petitioner who was arrested on 03.09.2021 and remanded to judicial custody for the offences under Sections 294(b), 352, 417, 376 of IPC r/w Section 4 of TNWH Act r/w 4 of Dowry Prohibition Act in Crime No.21 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused/A1 made marriage engagement with the complainant/victim and on false promise, the above petitioner had sexual intercourse with the complainant/victim and he repeated the same. Later, the accused refused to marry her. Hence, the defacto complainant/victim went to the petitioners house, there, the petitioner along with other accused persons demanded more dowry and they abused her and assaulted her and also threatened 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 offences and he has been falsely implicated in this case. He further submits that the the petitioner is ready to marry the victim and he has also filed an affidavit to that effect. He further submits that the petitioner has been in jail from 03.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that accused/A1 made marriage engagement with the complainant/victim and on false promise, the above petitioner had sexual intercourse with the defacto complainant/victim and later refused to marry her.

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5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the affidavit filed by the the petitioner expressing his willingness to marry the defacto complainant 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 **Fast Track Mahila Court, Villupuram**, 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.

-sd/-

29/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE FAST TRACK COURT
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS, KALLAKURICHI.

4 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

+1 CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary
charges SR.NO.12168

CRL OP.20075/2021

Date :29/10/2021

TA-01/11/2021