

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.21009 of 2020

Ashok Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Orathy Police Station,
Chengalpet District.
(Crime No.596 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.596 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. P.Surendran

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 07.11.2020 for the offence punishable under Sections 417, 376, 313 IPC in Crime No.596 of 2020 and seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner alleged to have sexual intercourse with defacto complainant on the promise that he would marry her and thereafter, refused to marry her and also got married another lady. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the defacto complainant was in love with the petitioner. Since the petitioner married another lady, a false complaint has been lodged against the petitioner and the petitioner is no way connected with the offence as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the false promise of getting marriage, the petitioner had sexual intercourse with the defacto complainant and thereafter failed to do so and got married with the another lady. She would further submit that investigation is almost over. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation is almost over and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate No.I, Madurantakam, 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, on his release from prison, shall report before the respondent police daily at 10.30 a.m ., for a period of two weeks and thereafter, 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/-
19/01/2021

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,
NO.I, MADURANTAKAM.

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,
ORATHY POLICE STATION,
CHENGALPET DISTRICT

+1 CC to M/S. P.SURENDRAN Advocate on payment of necessary charges
SR.No.468

सत्यमेव जयते

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Date :19/01/2021

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