



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21050 of 2021

M.Dinesh Kumar

...Petitioners

Vs.

The State, represented by
The Inspector of Police,
W-18, All Women Police Station,
M.K.B Nagar, Chennai
Crime No.21 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.21 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Balakumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.09.2021 for the offences under Sections 376, 417, 406 and 506(i) of IPC, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and the petitioner got acquainted through Face Book from the year January 2021 they fell in love with each other. On several occasions, the petitioner under the false promise of marrying her, had sexual intercourse with her and also received a sum of Rs.1,00,000/- for developing his shop. Further, the defacto complainant had purchased a bike and given to the petitioner. While so, the de facto complainant became pregnant but, the petitioner refused to marry the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 45 days from 22.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner on the false promise of marrying the defacto complainant, had sexual intercourse with her. Subsequently, she became pregnant and when she asked the petitioner to marry her, he refused to marry her and also threatened her. He would further submit that the investigation is almost completed and the statement of the victim has been recorded under Section 164 Cr.P.C.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone 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 Metropolitan Magistrate, Additional Mahila Court, Egmore, and on further conditions 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 petitioners 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.

WEB COPY

-sd/-
12/11/2021

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 METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
W-18, ALL WOMEN POLICE STATION,
M.K.B NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, MADURANTAKAM.

+2 CC to M/S. BALAKUMAR A. Advocate on payment of necessary charges SR.NO.12676

CRL OP.21050/2021

Date :12/11/2021

INBA-15/11/2021