



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.22310 of 2021

Naren

... Petitioner/Accused-1

Vs.

State Rep. by,
The Inspector of Police,
Mudaliarpet Police Station,
Pondicherry.
(Crime No.134 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime.No.134 of 2021 on the file of the respondent police.

For Petitioner : M/s.L.Gopi

For Respondent : Mr.V.Balamurugane
Public Prosecutor for Pondicherry

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2021 for the offences under Sections 376 and 417 of IPC, in Crime No.134 of 2021 on the file of the Inspector of Police, Mudaliarpet Police Station, Pondicherry seeks bail.

2.This is the fourth bail application filed before this Court. The case of the prosecution is that there was a love affair between the petitioner and the de-facto complainant. Further the petitioner made false promise to the de-facto complainant stating that he will marry her and had sexual intercourse with the de-facto complainant. Thereafter, the petitioner refused to marry the victim girl/de-facto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has been in jail from 01.08.2021. He further submits that the petitioner is ready to marry the de-facto complainant/victim girl and to that effect he has also filed an affidavit. Hence, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner has made false promises to the victim girl stating that he will marry her and had sexual intercourse with her. He further submitted that this Court on three occasions had dismissed the bail applications of the petitioner in Crl.O.P.Nos.14334, 17397 and 19788 of 2021. Hence, he opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case, since the petitioner has agreed to marry the victim girl/de-facto complainant and since he has also filed an affidavit to that effect, however, the de-facto complainant/victim girl is not ready to marry the petitioner, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on 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 learned Judicial Magistrate-III, Pondicherry 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 is directed to 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.

WEB COPY

-sd/-
29/11/2021

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 JUDICIAL MAGISTRATE,
NO.III, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MUDALIARPET POLICE STATION,
PONDICHERRY

4 THE SUPERINTENDENT,
CENTRAL PRISON,
KALAPET, PONDICHERRY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.GOPI Advocate on payment of necessary charges
SR.NO.13667

CRL OP.22310/2021

Date :29/11/2021

JPA 30/11/2021