



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.25060 of 2021

Jothiragawan

...Petitioner

Vs.

STATE by
The Inspector of Police
All Women Police Station,
Erode.
(Crime No.36 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.36 of 2021 on the file of the Inspector of Police, All Women Police Station, Erode.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

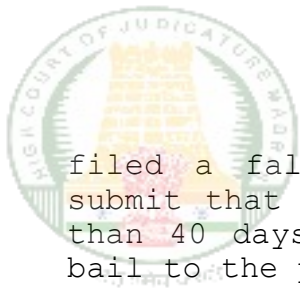
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offences under Sections 376 and 417 of IPC, in Crime No.36 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner on the false promise of marrying the defacto complainant, had sexual intercourse with her on several occasions and thereafter, the petitioner refused to marry her. Therefore, the defacto complainant attempted to commit suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and the petitioner has not committed any offence as alleged by the prosecution. In fact both the petitioner and the defacto complainant had love affair and they had decided to get marry after completion of their studies. But the family members of the defacto complainant compelled him to marry immediately and when he refused the same, they



filed a false complaint against the petitioner. He would further submit that the petitioner has been suffering incarceration for more than 40 days from 09.11.2021 and hence, he would pray for grant of bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner under the false promise of marrying the defacto complainant had physical relationship with her and thereafter, refused to marry her.

5. It is seen that the victim girl is aged about 21 years and the petitioner is aged about 22 years and they both are majors. Further, both are pursuing their Degree and due to love affair, the occurrence had happened and that the investigation is almost completed.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Additional Mahila Court, Erode 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 appear before the respondent police on every Sunday 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/-

21/12/2021

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, ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
ERODE, ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges
Sr.15253

CRL OP.25060/2021

Date :21/12/2021

RVR 21/12/2021