



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.210 of 2022

Nethaji

...Petitioner

Vs.

The State by
The Inspector of Police
All Women Police Station
Tiruvannamalai, Tiruvannamalai District
Crime No.34 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.34 of 2021, pending investigation on the file of the All Women Police Station, Tiruvannamalai.

For Petitioner : M/s.D.Vijay

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 09.12.2021 for the offences under Sections 354(D), 417, 376(2)n and 506(i) IPC, in Crime No.34 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 and the defacto complainant studied in a same college and they fell in love with each other and when the same was came to the knowledge of the parents of both the petitioner and the defacto complainant, they conducted betrothal on 28.11.2014. Thereafter, the petitioner had sexual intercourse with the defacto complainant on several occasions on the pretext of marrying her and now the petitioner refused to marry the defacto complainant and that his family members also refused to conduct their marriage. Hence, the complaint.



3.The learned counsel for the petitioner would submit that admittedly the petitioner and the defacto complainant studied in a same college. But the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him as if, the petitioner on the false promise of marrying the defacto complainant, had sexual relationship with her. He would submit that A2 to A4 have been granted anticipatory bail by this Court and the petitioner has been suffering incarceration for more than 25 days from 09.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection but admits that A2 to A4 have been granted anticipatory bail by this Court and that the investigation is almost completed.

5. It is seen that the petitioner is aged about 24 years and the victim is aged about 27 years and that she is 2 years elder than the petitioner and that A2 to A4 who are the family members of A1 have been granted anticipatory bail by this Court. Considering the above facts and circumstances of the case and 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Additional Mahila Court, Tiruvannamalai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders and shall co-operate for the investigation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;



(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/01/2022

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,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

3 THE SUPERINTENDENT,
VELLORE PRISON.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.D.VIJAY Advocate on payment of necessary charges
SR.NO.319

CRL OP.210/2022

Date :07/01/2022

INBA-07/01/2022