



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2773 of 2022

Yuvaraj

.. Petitioner

Vs.

State, represented by
The Inspector of Police,
All Women Police Station,
Namakkal, Namakkal District.
(Crime No.01 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.1 of 2022 on the file of the respondent police.

For Petitioner : Mr.A.Sathish Kumar

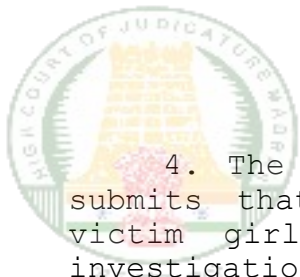
For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.01.2022 for the offences under Sections 366, 376 of IPC and 67 of IT Act in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl are aged about 30 and 21 years respectively and the petitioner on the false promise of marriage alleged to have kidnapped the victim and had physical relationship with her on many occasions and upload photos in the whats App group, thereby causing defamatory remarks against the victim Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submits that the petitioner and the victim girl loved each other for the past several months. But, family members not accepted their proposal, hence, dispute aroused and the petitioner ready to marry the victim girl. He further submits that the petitioner has been suffering incarceration for 30 days from 03.01.2022 and hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) on instructions submits that the petitioner published the private photos of the victim girl in the whats group. He further submits that the investigation was almost completed and the petitioner's mobile phone was seized by the respondent police. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that the investigation completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with conditions.

[a] 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), before the learned Judicial Magistrate, Additional Mahila Court, Namakkal 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 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 Saturday at 10.30 a.m. until further orders;

[e] the petitioner also directed to appear before the concerned Court on all hearings without fail and he shall file an undertaking affidavit that he shall not upload the obscene videos and photographs of the defacto complainant in the social media failing which the bail granted by this Court shall stand dismissed automatically;

[f]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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;



[i]f the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. The matter relates to love affair between the petitioner and the defacto complainant. For the betterment of both the parties, this Court shall refer the matter to the Mediation Centre, Namakkal for the purpose of solving the dispute pending between the parties. Both the parties are directed to appear before the Mediation Centre, Namakkal for five sittings on intimation, without fail.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

04/02/2022

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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

6 THE OFFICER INCHARGE,
MEDIATION CENTRE, NAMAKKAL



7 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTRE,
HIGH COURT, MADRAS.

WEB COPY

CC to M/S. A.SATHISHKUMAR Advocate on payment of necessary
charges SR.1950

CRL OP.2773/2022

Date :04/02/2022

RVR 07/02/2022