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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.3581 of 2022

Prakash Raj

...Petitioner

Vs.

State represented by
The Inspector of Police
Krishnagiri Taluk Police Station,
Krishnagiri District
(Crime No.34 of 2022)

... Respondent

PRAYER:

Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.34 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.K.C.Panneerselvam

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.01.2022 for the offences under Sections 363, 366 of IPC @ 366, 376 of IPC in Crime No.34 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner compelled the victim girl and brought her to Tirupathi and stayed at a lodge. At that time, he married her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the alleged occurrence



committed by the petitioner is only after getting consent from the victim girl. It is his specific submission that the petitioner is in judicial custody from 29.01.2022 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits previous to the occurrence, the petitioner and the victim girl are fell in love and in consequences of the same, they went to Tirupathi and after tieing 'thali', the petitioner herein committed this offence.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case as against the petitioner for the offence punishable under Sections 366 and 376 of IPC. Admittedly during the relevant of time, both the victim and the petitioner completed age of 18. The averments found in the first information report disclose the fact that the victim girl after fell in love with the petitioner, eloped from their residence and later in Tirupathi after tieing 'thali', both of them joined together and committed this offence.

7. Therefore, taking note of all the above said aspects into consideration, particularly on considering the fact that both victim girl and the petitioner are equally responsible for the alleged occurrence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner is ordered to be released on bail to execute a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri.**

(b) 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;

(c) **the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.**

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

(e) on breach of any of the aforesaid



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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];

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

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

-sd/-
15/02/2022

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,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR, KRISHNAGIRI DISTRICT.

+1 CC to K.C.PANNEERSELVAM Advocate on payment of necessary charges SR.NO.2324

CRL OP.3581/2022

Date :15/02/2022

TA-16/02/2022