



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5297 of 2022

P.Appuraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Uthukottai.
(Crime No.2 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/Accused-2 on bail in Crime No.2 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Thirumalai

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

Mrs.V.Kayalvizhi for intervenor

ORDER

The petitioner/A2, who was arrested on 23.02.2022 for the offences punishable under Sections 376, 315, 506(i) and 420 of IPC in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned counsel for the defacto complainant, who intervened in the course of argument.



3.The allegation as found in the F.I.R. is that one Chinnarasa A1 loved the defacto complainant and had sexual intercourse promising to marry her but failed to keep his promise and it is alleged that this petitioner, who is the brother of Chinnarasa is the root cause for preventing the defacto complainant getting marriage to the first accused.

4.This Court on considering the allegations against this petitioner is of the view that the defacto complainant, who has voluntarily fallen in love with Chinnarasa and had consensual sexual relationship with him, cannot blame somebody else for her own failure and for the promise given by Chinnarasa is breached and cheated, her grievances can be only against Chinnarasa and not others. Hence, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall 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.I, Uthukottai.

(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 is directed to appear before the Investigating Officer as and when required.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-
11/03/2022

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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.I, UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKOTTAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.THIRUMALAI Advocate on payment of necessary
charges SR.NO.3763

CRL OP.5297/2022

Date :11/03/2022

JPA 11/03/2022