



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8932 of 2022

WEB COPY

Parthiban

.. Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
All Women Police Station,  
Chengam, Tiruvannamalai District.  
(Crime No.3 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the above Crime No.3 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.Balamurugan

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

For Intervenor : Mr.M.Mariappan

O R D E R

The petitioner, who was arrested for the offences punishable under Sections 406, 420, 376, 506(ii) of IPC read with Section 92(a) and 92(b) of Right of Person of Disability Act, 2016 in Crime No.3 of 2022, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent. The defacto complainant through her counsel has intervened and objected to granting bail to the petitioner.

3.On perusing the F.I.R., this Court finds that the defacto complainant, who is 75% physically disabled lady aged 33 years old, married to one Sekar has alleged that the petitioner herein in the year 2019, promised her to get a job in Animal Husbandry Department and received Rs.1,75,000/-, two sovereigns of chain but she did not get job. However, the petitioner had illegal intimacy with her for the past seven years and threatened her with dire consequences, if she refused to have carnal relationship with him. Based on her



complaint dated 03.02.2022, the respondent police arrested the petitioner herein.

4. Learned counsel for the petitioner would submit that the defacto complainant earlier had given a complaint before Thanipadi Police alleging that the petitioner cheated her promising to get a job to her. Subsequently she withdrew the complaint on 01.02.2022. Two days later, she approached All Women Police Station, Sengam and gave a complaint with fabricated and imaginary facts. The petitioner, being an office bearer of the opposition party, the police has arrested him without proper enquiry about the truthfulness of the complaint.

5. Learned counsel appearing for the defacto complainant submitted that the defacto complainant, being a disabled person and her husband, being employed abroad, taking advantage of her loneliness, the petitioner had exploited her financially and physically.

6. This Court on considering the rival submissions and the earlier complaint of the defacto complainant, which has not whispered anything about her physical exploitation by this petitioner, this Court is inclined to grant bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam.

(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 stay at Chennai and report before Thousand Light Police daily at 10.30 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 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.

-sd/-

20/04/2022

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,  
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
CHENGAM, TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE JAILER, SUB JAIL,  
CHENGAM

6 THE OFFICER INCHARGE,  
THOUSAND LIGH POLICE STATION,  
CHENNAI

CC to M/S.P.BALAMURUGAN Advocate on payment of necessary  
charges SR.5848

CRL OP.8932/2022

Date :20/04/2022

RVR 21/04/2022