



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.6884 of 2022

IN CRL OP.23849/2021

RAMKUMAR

[PETITIONER]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(EAST),
COIMBATORE DISTRICT
(CRIME NO.21/2021)

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the condition imposed in Para No.7(a) this Honble Court in Crl.OP.23849/2021 vide an order dated 15.12.2021.

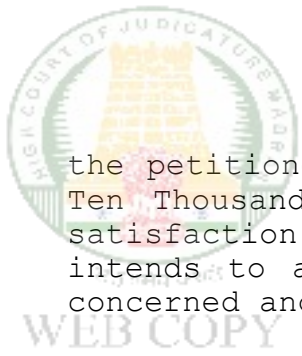
Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S J.HARI KRISHNA, Advocate for the petitioner and M/S J.KINGSLY SOLOMON, Advocate for the Intervenor and of M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to modify the condition imposed in Crl.O.P.No.23849 of 2021 dated 15.12.2021.

2. The case of the prosecution is that the petitioner got engagement with the victim to marry her. Pursuant thereto, the petitioner received huge amount to the tune of Rs.15,00,000/- from the de facto complainant. Thereafter, on the pretext of marriage, he had physical relationship with the victim, but, subsequently, he married another girl and left the de facto complainant in lurch.

3. On the earlier occasion, this Court in Crl.O.P.No.23849 of 2021, granted anticipatory bail to the petitioner on the following condition:

"7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Coimbatore, on condition that



the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) The petitioner without prejudice to his rights, shall deposit a sum of Rs.12,00,000/- (Rupees Twelve Lakhs Only) by way of demand draft drawn in favour of the defacto complainant, within a period of two weeks from the date of receipt of a copy of this order. The challan/ receipt of such payment shall be produced at the time of executing the bond;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 twice in a week i.e., on every Monday and Friday at 10.30 a.m. till the chargesheet is filed;

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

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

(f) 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 ;

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

4. Aggrieved by the same, the petitioner has approached the Hon'ble Supreme Court of India in SLP. CrI.No.3187 of 2022 to exempt the condition imposed by this Court. The Hon'ble Supreme Court of India by order dated 18.04.2022, dismissed SLP.CrI.No.3187 of 2022. However, the Hon'ble Supreme Court has dismissed SLP.CrI.No.3184 of 2022 as withdrawn and had given liberty to approach this Court for clarification of the anticipatory bail order.

5. The learned counsel appearing for the petitioner would submit that the petitioner was ready and willing to pay a sum of Rs.12,00,000/- to the de facto complainant. However, due to Covid-19 pandemic, the petitioner was unable to effect payment.



6. On perusal of the records produced by the de facto complainant before this Court in the anticipatory bail petition, this Court finds that she had given huge money to the petitioner and under the pretext of marriage, he had sexual intercourse. However, he married another girl and left the de facto complainant in lurch. Therefore, this Court does not find any merit in this petition to clarify the order passed by this Court.

Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-

20/05/2022

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, COIMBATORE.

2 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
EAST PULIYAKULAM,
COIMBATORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S J.HARI KRISHNA Advocate on payment of necessary charges Sr.7652

C.C. to M/S J.KINGSLY SOLOMON Advocate on payment of necessary charges Sr.7755

Order
in
CRL MP.6884/2022
in
CRL OP.23849/2021

Date :20/05/2022

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RVR 31/05/2022