



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

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11682 of 2022

YABESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
KARAIKAL.
CRIME NO.2/2022

[RESPONDENT]

For Petitioner : M/S. S. P. VIJAYARAGAVAN Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022, for the alleged offences under Sections 376, 417, 420, 506(ii), 109 r/w 34 of IPC and Section 66-E of the Information Technology Act, 2000 in Crime No.2 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fall in love with the defacto complainant and on a false promise to marry her, they had sexual intercourse on several occasion. Thereafter, the petitioner is said to have evaded marrying the defacto complainant and also threatened her that he will publish the photographs captured by him, when both of them were in physical intimacy.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor, Puducherry for the respondent.

4. It is seen from the records that the defacto complainant is already a married woman and she is said to be living separately from her husband. In such circumstances, the petitioner marrying the defacto complainant may not be possible under the prevailing grounds. That apart, the defacto complainant is aged about 29 years and the petitioner and the defacto complainant seems to have had physical



intimacy with consent and it is not a case that the petitioner forcibly committed rape on the defacto complainant. It is seen that the petitioner has already suffered incarceration for nearly 53 days.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Karaikal, and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

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

-sd/-

23/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO. II, KARAIKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
KARAIKAL.

CC to M/S. S. P. VIJAYARAGAVAN Advocate on payment of necessary
charges

CRL OP.11682/2022

Date :23/05/2022

RVR 24/05/2022