



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11573 of 2022

R.GURUNATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
TIRUVALLUR,
TIRUVALLUR DISTRICT
CRIME NO.01 OF 2022

[RESPONDENT]

For Petitioner : V.KAVIYARASU Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

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 07.04.2022, for the alleged offence under Sections 376, 417 of IPC in Crime No.01 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant, who was a widowed woman, developed a relationship and they had physical intimacy. Ultimately, a child was also born. The defacto complainant has given a complaint on the ground that the petitioner made a false promise that he will marry her and only believing the same, she had physical intercourse with the petitioner.

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



4. Taking into consideration the facts and circumstances of the case and also the fact that the physical intimacy between the petitioner and the defacto complainant had taken place since both of them had a relationship among each other and the petitioner has already suffered incarceration for nearly 43 days and no useful purpose will be served by keeping the petitioner behind bars, this Court is inclined to enlarge the petitioner on bail subject to the following conditions.

5. 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 and one such surety shall be the wife of the petitioner, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Poonamalle, 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/-

19/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
TIRUVALLUR,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to V.KAVIYARASU Advocate on payment of necessary charges
SR.NO. 7525

CRL OP.11573/2022

Date :19/05/2022

RW 19/05/2022