



WEB COPY



CrI.OP.No.16785 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16785 of 2022

1.Usharani
2.Rajendran

..Petitioners/A2 & A4

Vs.

State rep.by,
Inspector of Police(AWPS),
Nannilam Police Station,
Tiruvarur District.
(Crime No.5/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.5 of 2022 on the
file of the respondent police.

For Petitioners	: Mr.C.T.Saravanan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 23.06.2022 for the offence under Sections 417, 376, 294(b),



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312, 506(ii) and 109 of IPC in crime No.5 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioners' son/A1 gave false promise to marry the *de-facto* complainant and cheated and threatened her. Hence, the complaint.

3. There are totally four accused, in which the petitioners are arrayed as A2 and A4. Even according to the case of the prosecution, A1 fell in love with the victim girl. Thereafter, on the pretext of marriage, he had sexual intercourse with the victim girl. As far as the petitioners are concerned, they are the parents of A1 and they assured to get A1 married with the victim girl. Thereafter, refused to get married with A1. Except this allegation, there is no other overt act as against the petitioners. Further, the petitioners were arrested on 23.06.2022.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of



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their arrest i.e. 23.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 District Munsif-cum-Judicial Magistrate, Nannilam**, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 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]**.



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

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The District Munsif-cum-Judicial Magistrate,
Nannilam.
- 2.The Inspector of Police(AWPS),
Nannilam Police Station,
Tiruvarur District.
- 3.District Jail(Women),
Tiruvarur.
- 4.Sub-Jail,
Nannilam.
- 5.The Public Prosecutor,
High Court of Madras

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