



Crl.OP.No.16962 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

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

Crl.OP.No.16962 of 2022

Aravind
...Petitioner

Vs.

State Represented by
Inspector of Police,
All Women Police Station,
SRMC, Avadi,
Chennai.
[Crime No.06 of 2022]

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 06 of 2022 on the
file of the respondent police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2022 for the offences punishable under Sections 417, 376 of IPC, seeks bail.

2. The case of the prosecution is that, under the pretext of marriage, the petitioner had physical intercourse with the defacto complainant several time. Thereafter, it is alleged that the petitioner refused to marry the defacto complainant and was engaged with some other women. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution. He further submitted that the defacto complainant with her own interest she developed relationship with the petitioner. That apart, the petitioner has been suffering incarceration from 30.06.2022. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that, under the pretext of marriage, the petitioner had physical intercourse with the defacto complainant and thereby demanded 30 sovereigns of gold to marry her. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner and the defacto complainant had love affair and thereby had physical relationship from the year 2018. It is also seen that the defacto complainant is aged about 36 years and the petitioner is aged about 31 years. Thereafter, the relationship between them was broke down, wherein, she herself permitted the petitioner to marry another women. While so, the petitioner was engaged with another women. Thereafter, the defacto complainant lodged a complaint, as if , the petitioner had cheated her.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.



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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 blood related sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate -II, Sriperumbudur** 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 twice daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed



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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.

22.07.2022

Sma

To

- 1.The Judicial Magistrate-II,
Sriperumbudur.
- 2.Inspector of Police,
All Women Police Station,
SRMC, Avadi,
Chennai.
- 3.Central Jail,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.16962 of 2022

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