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Crl.O.P.No.19483 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19483 of 2022

Anbarasan

.. Petitioner

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Ambur.
Crime No.8 of 2022

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in FIR in Crime No.8 of 2022 on the
file of the respondent police.

For Petitioner : Mr. Mumtaj Surya

For Respondent : Mr. Gopinath,
Government Advocate (Crl.Side)
Mr. B. Gopalakrishnan for intervenor



ORDER

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The petitioner herein was arrested on 28.07.2022 for the alleged offences under Sections 376(2)(n), 354A(2), 506(i) IPC in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2. As per the complaint, the defacto complainant and the petitioner were in love, they decided to marry and engagement took place on 28.02.2022. Believing the promise, she has consented for premarital sex with him. However, now the petitioner refused to marry her. Hence, this complaint.

3. Learned counsel appearing for the petitioner states that it was consensual sex and due to some misunderstanding, the petitioner refused to marry the defacto complainant.

4. The defacto complainant appears through the counsel and oppose for grant of bail.



5. This Court, on considering the content of the complaint, convinced that the defacto complainant had sex with the petitioner with consent and the ingredient of Section 376 IPC is not made out. Hence, this Court is inclined to grant bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the Additional District Munsif cum Judicial Magistrate, Ambur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner shall report before the Investigating Officer as and when required for an interrogation;**



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(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 Judicial 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.

18.08.2022

AT



To

1.The Additional District Munsif cum Judicial Magistrate,
Ambur.

2.The Inspector of Police,
All Women Police Station,
Ambur.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

AT

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