



Crl.O.P.No.21150 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21150 of 2022

Surya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station.
Attur,
Salem District.
Crime No.23 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.23 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022, for the offences punishable under Sections 417, 420 and 313 of IPC, in Crime No.23 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner and the de-facto complainant were loving each other and the petitioner, on giving assurance to the de-facto complainant that he will marry her, had a sexual intercourse with her, due to which, she became pregnant. When it was informed to the petitioner, he had agreed to marry her only after his sister's marriage. Meanwhile, the mother of the de-facto complainant had given a complaint, due to which he had taken her to temple and tied mangalsutra. While so, when the de-facto complainant was suffering from head ache, the petitioner had given her with the pills namely Misoprostol and Mifeoristone, for abortion and also refused to register their marriage. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that even as per the complaint, the petitioner and the de-facto complainant have got married in temple on 15.06.2022. He would also submit that due to some misunderstanding, a false case has been given against the petitioner. He would further submit that the petitioner is in custody from on 11.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner induced the de-facto complainant and on the promise to marry her, had sexual intercourse, due to which she became pregnant and later, he had conducted a farce marriage and gave pills for abortion resulting in miscarriage. He would also submit that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

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



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materials available on record including the 164 statement recorded from the de-facto complainant.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate – I, Attur**, 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 stay at Chennai and report before the Inspector of Police, North Beach Police Station, everyday at 10.30 a.m., until further orders;



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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1. The Judicial Magistrate – I,
Attur.
2. The Inspector of Police,
All Women Police Station.
Attur, Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
North Beach Police Station, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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