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Crl.O.P.No.21403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

Crl.O.P.No.21403 of 2022

A.Deepak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai.
Crime No.17 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant a bail to the petitioner in Crime No.17 of 2022 pending on
the file of the respondent police.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor : Mr.Jai Kumar



Crl.O.P.No.21403 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 417, 376, 294(b), 406 and 506(ii) of IPC in Crime No.17 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and the defacto complainant was fixed through a Matrimonial Website. Pursuant to that, a betrothal function was conducted on 24.10.2021. At the time of marriage, the petitioner had demanded 27 sovereigns of gold and a sum of Rs.3,00,000/- worth household articles and the defacto complainant's parents accepted to give 17 sovereigns and they had given the same during the time of betrothal function. After the betrothal, the petitioner had taken the defacto complainant to Mahabalipuram and booked a room in a hotel and he had given intoxicated juice and made her drink and when she was unconscious, he had committed rape on the victim. Thereafter, the petitioner had taken the defacto complainant to Bangalore and had intercourse with her several time. Later, the petitioner had fixed the marriage



Crl.O.P.No.21403 of 2022

with another girl and refused to marry the defacto complainant.

Subsequently, on compulsion, he had taken her to a local temple and had tied Mangalya sutra to the defacto complainant. Thereafter, the petitioner sent a legal notice to the defacto complainant on 10.08.2022. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that a false complaint has been given as against the petitioner as if the petitioner committed rape on the defacto complainant. He would also submit that it is true that the marriage was arranged through a Matrimonial Website and the date of marriage was fixed to 08.09.2022 and the petitioner's mother had in fact booked the reception hall at the Golden Paradise Thirumana Mandapam, Chennai and she has also paid an amount of Rs.30,000/- as advance and the marriage invitations were also printed by both the families. Later, the petitioner had come to know that the defacto complainant was addicted to drugs and she is also in the habit of smoking and thereafter, the petitioner wanted to stop the marriage. However, the defacto complainant threatened him and by giving a police complaint, performed the marriage on 29.07.2022 with the influence of police and henchmen. He would further submit that since, the marriage was conducted by force, the petitioner had



Crl.O.P.No.21403 of 2022

sent a legal notice on 10.08.2022 and the same was received by the defacto complainant on 11.08.2022, subsequently a false complaint has been given as against the petitioner. He would also submit that there was no intention to cheat from the inception of the marriage and only due to the misunderstanding, a false complaint has been given. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the marriage was fixed between the petitioner and the defacto complainant, subsequently, the petitioner on the promise of continuing marriage, had sexual intercourse with the defacto complainant and cheated her and had also demanded dowry from her. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Learned counsel appearing for the intervenor would submit that the petitioner, his mother and his brother induced the defacto complainant on



CrI.O.P.No.21403 of 2022

the promise of marriage and thereafter, the petitioner had taken the defacto complainant to a lodge and had sexual intercourse with her on several occasions and thereafter, had cheated her. He would also submit that the petitioner only to cheat and escape from the clutches of law, had sent a legal notice with false averments.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the materials including the First Information Report, this Court is inclined to grant bail to the petitioner.

8. 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 cum District Munsif, Madhavaram** and on further conditions that:



CrI.O.P.No.21403 of 2022

[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 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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Crl.O.P.No.21403 of 2022

13.09.2022

2/2

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To

1. The Judicial Magistrate cum District Munsif,
Madhavaram.
2. The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.21403 of 2022

Crl.O.P.No.21403 of 2022

13.09.2022

2/2