



WEB COPY



CrI.O.P.No.21938 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.21938 of 2022

N.Harikrishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W32- All Women Police Station,
Madipakkam, Chennai.
Crime No.10 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in respect of the Crime No.10 of
2022 pending on the file of the respondent Police.

For Petitioner : Mr.G.Peranban

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : Mr.R.Thamarai Selvan



Crl.O.P.No.21938 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2022 for the offences punishable under Section 376, 417, 406, 294(b) and 506(i) of IPC, in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Divya is that she has completed M.C.A., and thereafter, employed in “Bank of America” as a Software Engineer and that during a conference, she has got acquainted with the petitioner and that they became friends. On 05.01.2019, the petitioner had proposed her that he is in love with her and thereafter, they were continuing with their relationship and that they conducted betrothal at Tirupathi and that on 03.01.2020, the petitioner had taken her to a house at Athambakkam and had sexual intercourse with her and thereafter, on the promise of marriage, he had sexual intercourse with her on several occasions. Subsequently, he had given assurance that he will marry her after the marriage of his sister and thereafter, taken 40 sovereigns of jewels and also money from her and cheated her by not marrying her. Hence, the complaint.



CrI.O.P.No.21938 of 2022

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that false allegations are made as against the petitioner. He would also submit that as per the complaint, the petitioner and the defacto complainant were in live in relationship from the year 2020, later, the petitioner came to know about the character of the defacto complainant and he wanted to severe the relationship. He would also submit that earlier the defacto complainant had given a complaint to the All Women Police Station, the petitioner was called for enquiry and during the enquiry, the petitioner has also returned the jewels in the presence of the Police Authorities. Subsequently, the defacto complainant along with her henchmen, threatened the petitioner and the petitioner has given a complaint to the Pallikaranai Police Station, in respect of which, enquiry was conducted in C.S.R.No.1714 of 2022. He would further submit that reading of the entire complaint would show that there was no intention on the part of the petitioner to cheat the defacto complainant and that he had relationship with the defacto complainant only for the purpose of satisfying his lust. He would also submit that the petitioner is in custody from 25.08.2022 and the



Crl.O.P.No.21938 of 2022

petitioner has got a good case on merits and thereby, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner in the guise of marrying the defacto complainant, had relationship with her and thereafter, they have lived together as husband and wife, during which period, the petitioner received lot of money and jewels from the defacto complainant and thereafter, had cheated her. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner and the defacto complainant came to know each other during the year 2020 and thereafter, the petitioner had taken her to Tirupathi and by exchanging rings stated that the betrothal function was over and thereafter, on 03.01.2020, the petitioner had taken the defacto complainant to a house at Athambakkam, where he had sexual intercourse with her against her will. Thereafter, he had sexual intercourse with her on several occasions and he had also taken lot of jewels and money from her and later refused to marry



Crl.O.P.No.21938 of 2022

her. Therefore, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record including the complaint and the materials placed by both the parties in the typed set of papers.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, 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 Additional Mahila Court, Alandur**, 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;



Crl.O.P.No.21938 of 2022

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.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.

19.09.2022

2/2

rgi



Crl.O.P.No.21938 of 2022

WEB COPY

To

1. The Additional Mahila Court,
Alandur.
2. The Inspector of Police,
W32- All Women Police Station,
Madipakkam, Chennai.
3. The Superintendent,
Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21938 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.21938 of 2022

19.09.2022

2/2