



CrI.O.P.No.22092 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.22092 of 2022

Munivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Ponneri,
Thiruvallur District.
Crime No.6 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.6
of 2022 before the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 376(1), 376(ii)(n), 417, 420 and 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.6 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner induced the defacto complainant on a false promise of marrying her and had sexual intercourse with her and later cheated her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are colleagues working in Amazon company and the case of consensual affair has been wrongly projected as a case of rape and cheating. He would also submit that the defacto complainant is already a married woman and she has not got legal divorce from her husband and thereby, the petitioner and the defacto complainant were living together and now she has given a false complaint as



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against the petitioner. He would further submit that the petitioner understands that the statement has been recorded from the defacto complainant under Section 164 of Cr.P.C., wherein, she had stated that no action should be taken as against the petitioner. He would also state that the petitioner is in custody from 28.08.2022. Therefore, 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 defacto complainant is a married woman and she has got divorce from her husband. He would also submit that the petitioner, who is her colleague, induced her on the false promise of marrying her and had sexual intercourse with her and later cheated her. He would further submit that the statement has been recorded from the victim under Section 164 of Cr.P.C. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials



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available on record including the First Information Report and the statement recorded from the victim under Section 164 of Cr.P.C.

6. 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.

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 No.I, Ponneri**, 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 daily at 10.30 a.m., until further orders;

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



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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 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

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1. The Judicial Magistrate No.I,
Ponneri.
2. The Inspector of Police,
All Women Police Station,
Ponneri,
Thiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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