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Crl.O.P.No.22257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM0

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

Crl.OP.No.22257 of 2022

Janakiraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS, Puliyanthope,
Chennai.
Crime No.9 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge this petitioner/accused to grant bail in Crime No.9 of 2022
pending on the file of the Inspector of Police, All Women Police Station,
Puliyanthope, Chennai.

For Petitioner : Mr.A.Mohammed Feroz

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



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ORDER

The petitioner, who was arrested on 23.08.2022 and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 417 & 376 of IPC, in Crime No.9 of 2022 on the file of the respondent police, seeks bail.

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

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a case of consensual affair has been falsely projected as a case of cheating. He would also submit that the petitioner and the defacto complainant were friends for the past 10 years and they were having a consensual relationship and whereas due to a financial dispute, a false complaint has been given as against the petitioner. He would further submit that reading of the First Information Report shows that the case of financial dispute has been exaggerated as a case of cheating. Therefore, he



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prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had induced the defacto complainant on a false promise of marriage and had sexual intercourse with her on several occasions. He would also submit that believing the petitioner, the defacto complainant had also given a sum of Rs.1,50,000/- by way of Google Pay, paid an amount of Rs.3,50,000/- by cash and also spent an amount of Rs.4,00,000/- for preparation of marriage and the petitioner had cheated her. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the complaint given by the defacto complainant.

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



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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, Egmore, Chennai**, 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., 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**



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5560];

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

15.09.2022

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To

1. The Additional Mahila Court, Egmore, Chennai.
2. The Inspector of Police,
AWPS, Puliyanthope,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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