



Crl.O.P.No.22683 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.22683 of 2022

M.Silambarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Gingee,
Villupuram.

(Crime No.29/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.29 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.Munusamy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.08.2022 for the offences punishable under Sections 417, 376(2)(n), 342, 450, 294(b) & 506(1) IPC in Crime No.29 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner on the false promise of marrying the de-facto complainant had committed penetrative sexual assault on her in several occasions. Thereafter, the petitioner had arranged a marriage with someone and when it was questioned by the de-facto complainant, he had refused to marry her and abused her in a filthy language and intimidated her with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the case of consensual love affair between the petitioner and the de-facto complainant has been projected as a case of rape and cheating. He would further submit that even as per the complaint, there was a relationship between the petitioner and the de-facto complainant for the past 13 years and



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that they were having physical relationship, therefore, it is not the case that the petitioner had induced the de-facto complainant by giving false promise only for the purpose of satisfying his lust. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the de-facto complainant are in a relationship for the past 13 years and the petitioner has got a job in Indian Army during the year 2010 and they have been having physical relationship from 2011. He would further submit that the investigation is pending and the 164 statement has also been recorded from the victim girl. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the First Information Report and the 164 statement recorded from the victim girl.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and taking note of the 164 statement recorded from the victim girl and also considering the period of incarceration undergone by 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, Gingee, Villupuram**, 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 learned respondent Police, everyday 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.

20.09.2022

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To

1. The Judicial Magistrate,
Gingee, Villupuram.
2. The Inspector of Police,
All Women Police Station,
Gingee, Villupuram.
3. The District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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