



Crl.O.P.No.22996 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

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

Crl.O.P.No.22996 of 2022

Suresh @ Sivasurya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
Crime No.97 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.97 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.Swamisubramanian

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 12.08.2022 for the alleged offences punishable under Sections 417, 376 and 506(i) of IPC in Crime No.97 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner and the de-facto complainant were loving each other for the past two years and the petitioner, on the false promise of marrying the de-facto complainant had committed penetrative sexual assault on her in several occasions, due to which, the de-facto complainant become pregnant and that on 01.03.2022, when she asked the petitioner to marry her, he threatened her with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that a case of consensual affair has been falsely 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



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the past 2 years and were having consensual 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. He would also submit that the petitioner is in custody from 12.08.2022 and 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 2 years and on the false promise of marrying the de-facto complainant, the petitioner had committed penetrative sexual assault on her in several occasions, due to which, she become pregnant and when she asked the petitioner to marry her, he had threatened her. He would further submit that the major part of the investigation is over and the medical examination of the victim girl is also over. 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.



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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, Thiruthuraipoondi, Thiruvarur**, 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 everyday 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;



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[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;

22.09.2022

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To

1. The Judicial Magistrate,
Thiruthuraipoondi, Thiruvarur.
2. The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
3. The Central Prison,
Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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