



Crl.O.P.No.23648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.23648 of 2022

D.Ulaganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
S-12 (w-5 All Women Police Station),
Chittalapakkam, Chennai – 600 042.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.297 of 2022, on the file
of the respondent Police pending investigation.

For Petitioner : Mr.K.Basker

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

For Intervenor : Mr.K.Thenrajan



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022, for the offences punishable under Sections 417, 294(b), 323, 376 of IPC, in Crime No.297 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused had contacted her with a marriage proposal and thereafter, the family members of the defacto complainant refused for the marriage stating that there was huge age difference between them. Subsequently, the accused had contacted the defacto complainant through Whatsapp and developed friendship and on the promise of marriage, had sexual intercourse with her for a period of three years and thereafter, refused to marry her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the case of a consensual relationship has been falsely projected as a case of cheating. He would further submit that even a very reading of the



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complaint would show that the relationship between them was consensual in nature. He would also submit that the petitioner was arrested on 22.08.2022 and he is in judicial custody for more than 50 days and major part of the investigation is also over. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner initially proposed for marriage and thereafter, the defacto complainant's family members have refused for the marriage stating that there was a huge age difference between them. Subsequently, the petitioner has induced the defacto complainant and on a false promise of marriage, had sexual intercourse with her for three years. Later when the defacto complainant had insisted for marriage, the petitioner has intimidated and also assaulted her. He would further submit that the petitioner has also received a huge amount from the defacto complainant and later cheated her. Therefore, he vehemently opposed to grant bail to the petitioner.



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5.The learned counsel for the intervener/defacto complainant would submit that the petitioner made the defacto complainant, who is a young girl to believe him that he would marry her and had sexual intercourse for three years but thereafter, refused to marry her. Hence, he vehemently opposed for grant of bail to the petitioner.

6.In reply, the learned counsel for the petitioner would submit that there is no allegation against the petitioner, as if he has received any amount from the defacto complainant.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

8.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that there was a relationship for about three years and the petitioner is in custody from 22.08.2022, this Court is inclined to grant bail to the petitioner with certain conditions.



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9. 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tambaram**, 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;

[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



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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.

11.10.2022

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To

1. The 1st Judicial Magistrate Court, Tambaram.
2. The Inspector of Police,
S-12 (w-5 All Women Police Station),
Chittalapakkam, Chennai – 600 042.
3. The Puzhal Jail, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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