



CrI.O.P.No.27071 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

CrI.O.P.No.27071 of 2022

Sathish Kumar

... Petitioner

Vs.

State by: Inspector of Police,
All Women Police Station,
St Thomas Mount,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in event of arrest in Crime No.9 of
2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 417, 376 & 406 of IPC in Crime No.9 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Anjali is that she is working in a private bank and that the petitioner who was her school mate got acquaintance with her after some time. They were in love for about 4 years and they used to go out and on the assurance that the petitioner would marry her, they were having physical relationship on several occasions and that she become pregnant by three months. Thereafter, based on the instigation of the petitioner, she had aborted her pregnancy. Even thereafter for the past 1 year, on the assurance of marriage, the petitioner had sexual intercourse with her on several occasions. Subsequently, the petitioner had asked her to take loan of Rs.5,50,000/- and based on that she had taken the loan and gave it to him. Later, she also gave 7 ½ sovereigns of jewels to the petitioner. After receiving the amount and the jewels, the petitioner had



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refused to marry her stating that they belong to different community. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that a case of consensual relationship and a case of financial dispute between the parties have been projected as a case of cheating and rape. He would submit that it is true that the petitioner and the *de-facto* complainant are friends from the school days. Subsequently, there have been money transactions between them and as on date as per the account statements available with the petitioner, he had paid an amount of Rs.22,00,000/- to the *de-facto* complainant on various occasions. When the petitioner had sought for return of the money, the *de-facto* complainant had given a false complaint as if the petitioner had induced her and had sexual relationship with her. He would further submit that the *de-facto* complainant is a grown-up adult who had indulged in a relationship with the petitioner understanding the consequences and even as per the complaint, there have been a relationship between them for several years and that only since the petitioner had asked for refund of money, she has given a false complaint. He would further submit that the respondent police without conducting proper investigation had straight away



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arrested the petitioner and the petitioner is under custody from 09.10.2022.

Hence, he seeks 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 known to each other. The petitioner under the assurance of marriage had induced her and had sexual intercourse with her on several occasions. On account of which, she became pregnant and on the assurance given by the petitioner, her pregnancy was aborted and thereafter the petitioner also received an amount of Rs.5,50,000/- and 7 ½ sovereigns of gold from the *de-facto* complainant and later cheated her. He would further submit that the investigation is pending and hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent. Perused the materials available on record including the statement of accounts of the petitioner and the statement of the victim girl recorded under Section 164 of Cr.P.C.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarnation of 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 **learned Additional Mahila Judge (Magistrate level) Alandur** 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., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders;



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[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 5560]*;

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

09.11.2022

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To

1. The Additional Mahila Judge
(Magistrate level)
Alandur.
2. The Inspector of Police,
All Women Police Station,
St Thomas Mount,
Chennai.
3. Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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