



Crl.O.P.No.27487 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

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

Crl.O.P.No.27487 of 2022

A.Vijay

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
W-3, All Women Police Station,
Vandalur (Guduvancherry),
Chengalpattu District.

(Crime No.320 of 2022)

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.320 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.C.D.Sugumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2022, for the offences punishable under Sections 376, 420 & 417 of IPC, in Crime No.320 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Tamizhmozhi is that she is working in a Computer Services shop and the petitioner was working in a neighbouring shop and they got acquainted with each other and met often and the petitioner agreed to marry her and on 06.09.2020, he along with his uncle had come to her home with marriage proposal and thereafter, they continued with physical relationship, subsequently, after some time, he refused to marry her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the de-facto complainant, who is a matured lady aged about 34 years and the petitioner, aged about 27 years are working in nearby shops and they got



acquainted with each other and there was a consensual physical relationship between them. He would further submit that the de-facto complainant compelled the petitioner to marry her and on finding that there was a vast age difference between them, petitioner's family members did not agree for the marriage and thereby, a false complaint has been given as against the petitioner. He would also submit that this is not a case where the petitioner had induced the de-facto complainant only with an intention to satisfy his lust and even as per the complaint, there was a consensual relationship between them for almost two years and thereby, 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 working in a neighboring shops and the petitioner, on the false promise of marrying the de-facto complainant, had induced her and had a physical relationship with her and thereafter, refused to marry her. Hence, he would vehemently oppose for grant of bail to the petitioner.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the complaint given by the de-facto complainant.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the averments in the complaint, 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 No.II, 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, 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;

[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.

10.11.2022

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To

1. The Judicial Magistrate No.II,
Tambaram
2. The Inspector of Police,
W-3, All Women Police Station,
Vandalur (Guduvancherry),
Chengalpattu District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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