



Crl.O.P.No.27956 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.No.27956 of 2022

S.Rubinath

.....Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tambaram Police Station.

(Crime No.743/2022).

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.743
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.J.Arulraj

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

For Intervenor : Mr. K.Ragunathan



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.10.2022, for the offences punishable under Sections 406, 420 of IPC and Section 4 of TNPHW Act, in Crime No.743 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Senthamarai is that, she is running a Beauty Parlour and also involved in a business of renting clothes for fancy dress competition and other activities in the Schools and further, she is a married women and she got separated from her husband during the year 2016 and she had adopted a girl child. While so, during the year 2017, the accused got acquaintance with her, stating that he is a School Correspondent running two Schools in Tirunelveli and induced her and also assured her with lot of orders and thereby they developed friendship. The further allegation is that they both went to several places and on pretext of marriage, the petitioner had committed sexual assault on her and later made her to remove her uterus and during the relationship, he had also taken a sum of Rs.40 lakhs along with 45 sovereigns of jewels and later cheated her. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is a married man and the defacto complainant is also a married woman and they were having consensual relationship for several years. Thereafter, due to misunderstanding they broke their relationship. He would further submit that the entire allegations are fabricated and exaggerated and since the petitioner severed the relationship, a false complaint has been given by the defacto complainant on 11.10.2022 and he is in custody for about 42 days and there is no previous case as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a Correspondent in a School, had induced the defacto complainant and assured her with lot of orders and thereby developed friendship with her and later, friendship became intimate and had sexual intercourse with her and later made her to remove her uterus and later cheated a sum of Rs. 40 lakhs and 45 Sovereigns of gold jewels from her. He would further submit that the investigation is pending and would oppose for grant of bail.



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5. The learned counsel appearing for the defacto complainant would submit that the petitioner is a married women and got separated from her husband and the petitioner not only induced the defacto complainant and had sexual intercourse with her, but also taken a sum of Rs.40 lakhs and 45 sovereigns of gold jewels from her. He would oppose for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the CD file.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Tambaram Judicial Magistrate I** and on further conditions that:



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[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.

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A.D.JAGADISH CHANDIRA.,J.

Sma

To

1. The Tambaram Judicial Magistrate-I
2. The Inspector of Police,
Tambaram Police Station.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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