



Crl.O.P.No.28424 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

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Parthiban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur.

(Crime No.10/2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.10 of
2021 on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

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 31.10.2022, for the offences punishable under Sections 417, 376, 294(b) and 506(i) IPC in Crime No.10 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that the accused who is the close relative of her had induced her on the false promise of marrying her, had sexual intercourse with her, due to which, she become pregnant, subsequently, it was aborted and later, the accused had refused to marry her. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 23 years, and the *de-facto* complainant, aged about 22 years are grown up adults and there was a consensual relationship between them and thereby, she become pregnant and later, a false complaint has been lodged by her against the petitioner stating that he has induced her to had sexual intercourse on the false promise of marriage. He further submitted that earlier the petitioner had approached this Court seeking



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anticipatory bail and thereafter, on a Memorandum of Understanding, anticipatory bail was granted and subsequently, when the settlement talks failed, the bail got lapsed and the petitioner was arrested. He further submitted that it is not a case of rape, since there was a consensual relationship between them. He also stated that since, horoscope of the petitioner and the *de-facto* complainant did not match, marriage proposal was refused by the petitioner's parents. He also submitted that the petitioner is in custody from 31.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had induced the *de-facto* complainant on the false promise of marrying her, had sexual intercourse with her, due to which, she become pregnant and on the assurance given by the petitioner, the *de-facto* complainant has aborted her pregnancy, thereafter, the petitioner has refused to marry her. He further submitted that the medical examination is over, however, he opposed to grant bail to the petitioner.



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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 including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner and on perusing the First Information Report, 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** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam**, 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;



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[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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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur.
3. The Sub Jail, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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