



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2250 of 2022

Adaikalaraj ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Cr.No 21 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja.R.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

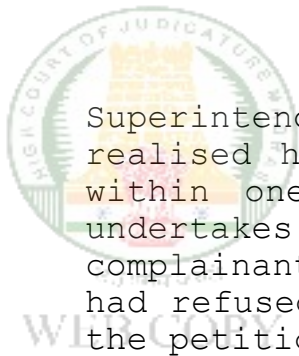
For bail in Crime No.21 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 23.12.2021 for the offence punishable under Sections 417, 376(2)(n), 90, 294(b), 506(i) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.21 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, on false promise to marry the defacto complainant, had sexual intercourse with her repeatedly and that subsequently, he refused to marry the defacto complainant and that when the same was questioned by the defacto complainant and her parents, the petitioner scolded them in filthy language and threatened with dire consequences. Hence, the present complaint.

3.When the matter was pending before the learned Predecessor Judge, the petitioner has filed an affidavit sworn by him before the



Superintendent of Prisons, that during incarceration in jail, he realised his mistake and decided to marry the defacto complainant within one month from the date of release and that thereby he undertakes to marry the defacto complainant. Similarly, the defacto complainant has filed an affidavit stating that since the petitioner had refused to marry her, she was forced to lodge a complaint, that the petitioner has now realised his mistake and decided to marry her and that she is ready to marry the petitioner Adaikalaraj. She has further stated in the affidavit that there is no fraud or coercion and the settlement arrived at is a genuine one and voluntary.

4.The learned Counsel for the petitioner, after reiterating the contentions raised in the main petition, would also submit that the petitioner as per the undertaking affidavit, is ready and willing to marry the defacto complainant and that his parents had also consented for the same.

5.The learned Additional Public Prosecutor appearing for the State would submit that the affidavit of the petitioner as well as the defacto complainant may be recorded and the petitioner may be directed to marry the defacto complainant within a month time after his release and get the marriage registered.

6.Admittedly, the defacto complainant is aged about 23 years and the petitioner is aged about 26 years. The case of the prosecution is that the petitioner, on false promise to marry the defacto complainant, had sexual intercourse with her repeatedly and that subsequently, he refused to marry the defacto complainant and that when the same was questioned by the defacto complainant and her parents, the petitioner scolded them in filthy language and threatened with dire consequences.

7.Admittedly the petitioner is in judicial custody from 23.12.2021. The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed. Considering the submissions made by both sides, the affidavits filed by the petitioner as well as the defacto complainant are recorded. Both the petitioner as well as the defacto complainant are directed to comply with the undertaking given by them in their affidavits.

8.Considering the fact that the petitioner is in judicial custody from 23.12.2021 and also the fact that the investigation is almost completed as stated by the learned Additional Public Prosecutor appearing for the State and also taking note of the undertaking affidavits filed by the petitioner and recording of the same before this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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) with two sureties each for a like sum to the



satisfaction of the learned Judicial Magistrate No.II, Virudhunagar and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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]***.

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/02/2022

/ TRUE COPY /

11/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

<https://hcservices.ecourtsindia.org/>



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON,
VIRUDHUNAGAR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-984[I] dated 10/02/2022)

ORDER

IN

CRL OP(MD) No.2250 of 2022

Date :10/02/2022

RS/VR/SAR.3(11.02.2022) 4P-7C