



CrI.O.P.No.6192 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

CrI.O.P.No.6192 of 2023

Dinesh Kumar

... Petitioner

Vs.

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

(Crime No.9 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.9 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.V.M.Venkataramana

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.02.2023 for the offences punishable under Sections 376, 420 and 506(i) of IPC in Crime No.9 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Thenmozhi is that she and the accused are known to each other for several years and during August 2022, the accused have induced her by stating that he was in love with her and had taken 4 ½ sovereigns of jewels from her. During that time, the parents of the defacto complainant searching groom for her, and she has informed the accused about the same. Later, she eloped with the accused and they have taken a flat at Guduvancherry and exchanged a ring. Subsequently, the accused had intercourse with her and later, she became pregnant. The accused had threatened the defacto complainant that she should not disclose the same to anyone and made her to undergo abortion and when she had compelled the accused to marry her, he refused to marry her. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are known to each other for several years. On account of financial dispute, the defacto complainant has given a false complaint against him. He would further reiterate that there was a consensual relationship between the petitioner and the defacto complainant. He would further submit that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of crime number and he has no objection in the amount being disbursed to the defacto complainant, on petition being filed by her. He would also submit that the petitioner is in judicial custody from 19.02.2023 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) for the respondent submitted that the petitioner had induced the defacto complainant on the false assurance of marrying her and had taken a flat and had sexual intercourse with her, due to which, the victim became pregnant by two months. Later, the petitioner had compelled her to abort the pregnancy and also refused to marry her. Further, he has also taken 4 ½ sovereigns of jewels from her. Hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as non refundable deposit to the credit of Crime No.9 of 2023 before the learned Magistrate concerned** and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, 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;



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[b] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as non refundable deposit to the credit of Crime No.9 of 2023. In the event of the defacto complainant filing a petition seeking to withdraw the amount, it shall be disburse to the defacto complainant;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

21.03.2023

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A.D.JAGADISH CHANDIRA.,J.



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To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Inspector of Police,
Manimangalam Police Station,
Tambaram.
3. The Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.

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