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Crl.O.P.No.6411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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

Crl.O.P.No.6411 of 2023

Ranjith Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ulundurpet All Women Police Station,
Kallakurichi District.

(Crime No.04 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.04 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Abdul Samath

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 09.02.2023, for the offences punishable under Sections 417, 323, 294(b), 506(ii) of IPC @ 417, 376, 323, 294(b), 506(ii) of IPC, in Crime No.04 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Anjali, who was born on 10.02.2003, aged about 20 years, is that she is studying 2nd year LLB in Tiruppathi, Andhra Pradesh. On 16.01.2023, the accused, who is a married man having a 3 year old child, had taken the de-facto complainant to the garden, behind her house and induced her stating that he like her and he did not like his wife and also by compelling her had sexual intercourse with her. Thereafter, the accused compelled and threatened the de-facto complainant and had a sexual intercourse with her often. Later, on knowing the same, when the parents of the de-facto complainant girl questioned the accused, he had abused them in a filthy language, assaulted them with iron pipe and also threatened them with dire consequences. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner

is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a relative of the de-facto complainant and the de-facto complainant knows very well that the petitioner is a married man, however, there was a consensual sexual relationship between them. He also submitted that when the parents of the de-facto complainant came to know about their relationship, they have compelled the de-facto complainant to give a false complaint against the petitioner. He further submitted that the de-facto complainant is a law student and she is well aware of the consequences of her act. He also submitted that the petitioner is in custody from 09.02.2023 and major part of the investigation is over and the further custody of the petitioner may not be required. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the

respondent police submitted that the petitioner, who is a relative of the de-facto complainant, had compelled and forcefully had a sexual intercourse with her on several times and when the parents of the victim had questioned him, he abused and assaulted them with iron pipe and threatened with dire



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consequences. He further submitted that a statement has been recorded from the victim girl under Section 164 Cr.P.C. However, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner further reiterated that it is a case of consensual sexual relationship between the petitioner and the de-facto complainant and only based on the compulsion of the de-facto complainant's parents, she has lodged a false complaint against him, He further submitted the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prayed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded from the victim under Section 164 Cr.P.C.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering



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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 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-I, Ulundhurpet**, 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 stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30 a.m. and 5.30p.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



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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.

21.03.2023

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To

1. The Judicial Magistrate-I,
Ulundhurpet.
2. The Inspector of Police,
Ulundurpet All Women Police Station,
Kallakurichi District.
3. The Central Prison,
Cuddalore.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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