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Crl.O.P.No.8283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

Crl.O.P.No.8283 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Arani,
Thiruvannamalai District.

(Crime No.05 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.05 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.K.Nepolean

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



CrI.O.P.No.8283 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2023, for the offences punishable under Sections 312, 376(2)(n), 417, 496, 506(ii) of IPC, in Crime No.05 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Swathy is that she and the petitioner were in love for the past 11 years and during the year of 2015, the accused had sexual intercourse with her, due to which, she became pregnant and later, the accused had given her pills to abort her pregnancy. While so, the parents of the accused have taken steps to marry the accused to some other girl, thereby, the accused and the de-facto complainant got married at Thimri Murugan Temple, without the knowledge of their parents and later, the de-facto complainant went to her home. Further, when it came to the knowledge of the de-facto complainant's mother, she along with others went to the accused's house and questioned the parents of the accused, during which, they threatened the de-facto complainant with dire consequences. Hence the case.



Crl.O.P.No.8283 of 2023

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that admittedly there was a love affair between the de-facto complainant and the petitioner for the past 11 years and since it was objected by the petitioner's family, the petitioner got married with the de-facto complainant at Thimri Murugan Temple and they were living separately. He also submitted that however, the mother of the de-facto complainant came to know that the petitioner had married her daughter, she instigated the de-facto complainant to give a false complaint. He further submitted that the petitioner has filed an Affidavit stating that he is ready and willing to live with the de-facto complainant peacefully and happily to lead a matrimonial life with her in future. He further submitted that the petitioner is in custody from 29.03.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner had a love affair with the victim girl and had a sexual intercourse with her, due to which, she became pregnant



Crl.O.P.No.8283 of 2023

and later, aborted the same. He also submitted that further the petitioner has married the de-facto complainant without the knowledge of their parents and sent her to her parental house and attempted to marry some other girl. He further submitted that statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the Affidavit filed by the petitioner before this Court.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the Affidavit filed by the petitioner before this Court 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 Affidavit filed by the petitioner before this Court shall form part and parcel of this order and the petitioner is ordered to



Crl.O.P.No.8283 of 2023

be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Arani**, 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 report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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]*;



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CrI.O.P.No.8283 of 2023

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

20.04.2023

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To

1. The Judicial Magistrate,
Arani.
2. The Inspector of Police,
All Women Police Station,
Arani,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8283 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.8283 of 2023

20.04.2023