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Crl.O.P.No.8112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8112 of 2023

Nivin Samuel Bedford

... Petitioner

Vs.

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

(Crime No.4 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.4 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.S.P.Arthi

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 09.03.2023, for the offences punishable under Sections 376(1) & 417 of IPC, in Crime No.4 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Deborah Jasper Sweety, is that the petitioner and herself are known to each other and they were in love for the past two years. Whiles, on 12.07.2021, the de-facto complainant went to Vellore, during which, the petitioner attempted to misbehave with her and also on the promise of marrying her, he had a physical relationship with her and they continued their relationship. Due to which, the de-facto complainant had developed some allergies in her body, since the petitioner had a relationship with some other girls. Later, when it was questioned by the de-facto complainant, the petitioner and his mother abused her in a filthy language and also the petitioner has cheated her, by refusing to marry her. Hence, the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to some misunderstanding between the petitioner and the de-facto complainant, a false complaint has been given as against the petitioner. He further submitted that the petitioner is aged about 29 years and the de-facto complainant is aged about 24 years and both of them are grown up adults and they have indulged in consensual physical relationship understanding the consequences. He also submitted that even as per the complaint, they were having relationship for the past two years and later, since the de-facto complainant had developed some skin problem and she fearing that the petitioner would not marry her, had given a false complaint. He further submitted that the petitioner is in custody from 09.03.2023 and he is 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 (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 a sexual intercourse with her and later, the de-facto complainant came to know that since the



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petitioner was having relationship with some other girls, he was suffering from a venereal disease. He also submitted that the petitioner had also refused to marry the de-facto complainant and along with his mother abused her. He further submitted that the investigation in this case is still pending and the statement under Section 164 Cr.P.C has also been recorded from the de-facto complainant. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned Counsel for the petitioner submitted that a case of misunderstanding has been exaggerated and a false complaint has been given. He also submitted that the petitioner has also filed an Affidavit from prison stating that he will not interfere in any manner in the life of the de-facto complainant and her family members anymore in future.

6. 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.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the period of incarceration undergone by the petitioner and also considering the Affidavit filed 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, (Additional Mahila), Vellore District**, 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, E1, Mylapore Police Station, 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;



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[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.

18.04.2023

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To

1. The Judicial Magistrate,
(Additional Mahila), Vellore.
2. The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
E1, Mylapore Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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