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Crl.O.P.No.8881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

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

Crl.O.P.No.8881 of 2023
and Crl.M.P.No.6176 of 2023

Ramprasath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-15, Kannagi Nagar Police Station
Chennai.

(Crime No.46 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.46 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Mohanasundaram

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

For Intervener : Mr.T.Muruganatham



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023, for the offences punishable under Sections 294(b), 417, 420 & 376 of IPC, in Crime No.46 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/victim, Sangeetha, aged about 23 years, is that she was in living together with one Ramprasath, petitioner herein, due to which, she become pregnant and when she had informed the same to the petitioner, he had compelled her to abort it stating that then only he will marry her and on his compulsion, she had aborted her pregnancy. While so, due to some misunderstanding between the victim and the petitioner, the petitioner left the victim and switched off his mobile phone and also, when the victim had contacted the petitioner's family members, they have abused her in a filthy language. The further allegation is that the accused/petitioner had also taken her jewels. Hence the case.



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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 also submitted that the petitioner and the victim, who are aged about 24 and 23 years, are grown up adults and they have indulged in consensual physical relationship understanding the consequences of their affair. He further submitted that it is not the case, where, the petitioner had committed any rape on the victim or induced her to marry her. He also submitted that even in the complaint, the victim had not disclosed that the petitioner had promised to marry her. He also submitted that due to the financial dispute, the victim has lodged a false complaint. He further submitted that the petitioner is in custody from 11.03.2023 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, due to which, she become pregnant and later, compelled her to



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about the same. He also submitted that further the petitioner had also taken away the jewels of the victim. 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 victim. Hence, he vehemently opposed for grant of bail to the petitioner.

5. The de-facto complainant sought to intervene in the matter by filing a petition in Crl.M.P.No.6176 of 2023 and she is permitted to intervene.

6. On the permission granted by this Court, Mr.T.Muruganantham, learned counsel appearing for the de-facto complainant objected for granting bail to the petitioner stating that the petitioner had induced the de-facto complainant on the false promise of marrying her and the de-facto complainant, on believing the same, she had also parted with her four sovereigns of gold jewels to him. He further submitted that the petitioner not only spoiled the life of the de-facto complainant, he had also taken away her jewels.



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7. In reply, the learned counsel for the petitioner submitted that the petitioner, in order to show his bonafide, is prepared to deposit a sum of Rs.2 lakhs to the credit of crime number, without prejudice to his defence and contention before the trial Court. Thereby, he prayed for grant of bail to the petitioner.

8. Heard the learned Counsel for the petitioner, intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record including the F.I.R and the statement recorded from the victim under Section 164 Cr.P.C.

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the voluntary submission made by the learned counsel for the petitioner that the petitioner is prepared to deposit a sum of Rs.2 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.



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10. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime No.46 of 2023**, without prejudice to his rights and contentions before the Court concerned and on such deposit, 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 only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Additional Mahila Court, (Judicial Magisterial Level), Alandur**, 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., 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.

11. Further, the trial Court is directed decide the disbursal of the amount deposited by the petitioner, at the conclusion of the trial.

12. With the above directions, this Criminal Original Petition stands ordered. Consequently, connected miscellaneous petition is closed.

26.04.2022

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To

1. The Additional Mahila Court
(Judicial Magisterial Level), Alandur
2. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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