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Crl.O.P.No.9575 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9575 of 2023

Melvyn Raj

... Petitioner

Vs.

State Represented by
The Inspector of Police
W3 All Women Police Station,
Chintadiripet, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.1 of 2022 pending on
the file of the respondent herein.

For Petitioner : Mr.R.C.Paul Kanagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.03.2023, for the offences punishable under Sections 376, 354D, 420,
506(i) and 509 of IPC, in Crime No.1 of 2022 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant Ferno Susai is that she and the accused were friends while studying at Jawahar School of Architecture, Planning and Design College and during such period, they fell in love and they were in continuous love affair for 6 years. While so, the accused on the promise of marrying the defacto complainant, took her to a resort and had physical relationship due to which, she became pregnant and later, he refused to marry her and when she informed the same to his parents, they along with the petitioner abused and threatened her to do her away. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would submit that the petitioner and the defacto complainant are college mates and there was a consensual relationship between them for about 6 years. He would submit that the defacto complainant is a matured adult and knowing fully well about the consequences of the consensual affair, she had sexual relationship with the petitioner and now she has given a false complaint against the petitioner as if, the petitioner induced her. He would submit that the petitioner has been suffering incarceration from 24.03.2023 and that the petitioner is ready to



abide by any stringent conditions that may be imposed against him. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner and the defacto complainant are college mates and they were in love affair for about 6 years during such time, the petitioner on the false promise of marrying her, had sexual intercourse with the defacto complainant due to which, she became pregnant. Thereafter on his compulsion, she aborted the pregnancy and later, when the defacto complainant asked him to marry her, he along with his parents abused and threatened her with dire consequences. He further submitted that the investigation is pending.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering



the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. 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 Additional Mahila Court, Egmore, Chennai**, 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;



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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.

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To

1. The Additional Mahila Court, Egmore, Chennai.
2. The Inspector of Police
W3 All Women Police Station,
Chintadiripet, Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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