



WEB COPY



CrI.OP.No.10146 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10146 of 2023

Mahavishnu

... Petitioner/A1

Vs.

State Rep by
Inspector of Police,
Vazhapadi Police Station,
Salem Dt.
Crime No.152 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 152 of 2023 pending investigation on the file of the respondent police.

For Petitioner : M/s.Karan and Uday

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



WEB COPY



CrI.OP.No.10146 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2023 for the offence punishable under Sections 294(b), 315, 323, 342, 417, 376, 506(ii) of I.P.C. in Crime No.152 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that The victim girl is aged about 22 years and the petitioner is aged about 23 years. The defacto complainant and the petitioner were loved each other for the past three years. While being so, she was residing at Mumbai in her relative home and whenever the defacto complainant came to her home town to celebrate pongal festival, the petitioner and the defacto complainant loved each other and also the petitioner said to have sexual intercourse with her by informing that he will marry her, and thereafter, she became pregnant, now he refused to marry her, thereby he has made sexual assault on her. Hence, the present complaint was lodged against the petitioner.



WEB COPY



Crl.OP.No.10146 of 2023

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is a case of love affair and the petitioner is arrayed as A1. The petitioner fell in love with the victim girl, who is aged about 22 years and they had physical relationship, due to which, she became pregnant and thereafter he and his family members refused to perform marriage. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally three accused involved in this case and the petitioner is arrayed as A1 and the victim girl is aged about 22 years and the petitioner is aged about 23 years. Both the petitioner and victim girl fell in love with each other and they had physical relationship, due to which, she became pregnant and on knowing her pregnancy, he took her to his house, but his parents refused to marry her to their son and all the persons have administered drug in order to terminate the



CrI.OP.No.10146 of 2023

pregnancy. Accordingly, on the complaint lodged by victim's mother, the F.I.R. was registered. Now, he is ready to marry with a victim girl and also register the same. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner **on condition that the petitioner shall file an undertaking affidavit stating that he will marry victim girl and register their marriage.**

6. On filing the said undertaking affidavit, 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 blood related sureties, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Vazhapadi, Salem 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, after coming out from the Prison, he shall marry the victim girl within a period of two weeks from the date of receipt of copy of this order and thereafter he shall register the same**



CrI.OP.No.10146 of 2023

and produce the registration of marriage certificate before the respondent police and if the petitioner fails to marry the victim girl and to produce the registration of their marriage certificate, bail granted shall stand automatically vacated and the respondent police is directed to secure the petitioner and proceed in accordance with law

[c] the petitioner shall also report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation (OR) until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

04.05.2023



CrI.OP.No.10146 of 2023

rpp

To

- 1.The District Munsif cum Judicial Magistrate,
Vazhapadi, Salem Dt.
- 2.Inspector of Police,
Vazhapadi Police Station,
Salem Dt.
- 3.Sub-Jail, Attur.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



WEB COPY



Crl.OP.No.10146 of 2023

G.K.ILANTHIRAIYAN, J.

rpp

Crl.O.P.No. 10146 of 2023

04.05.2023