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Crl.O.P.No.11172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.No.11172 of 2023

P.Vasanth @ Vasanthan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
All Women Police Station,
Villianur.

(Crime No.10 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in connection with the above Crime
No.10 of 2023, pending investigation before the respondent police.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Assisted by,
A.Alexander, Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2023 for the alleged offence under Section 376(1) of I.P.C. in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant and the accused were working in a hospital, while so, when both of them were working in night shift, the accused, on a false promise of marrying the de-facto complainant, had sexual intercourse with her, against her will on several occasions. Thereafter, from 10.04.2023, he has not turned up for attending the work and on information, the de-facto complainant came to know that the accused had married someone else. Hence, the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.OP.No.10112 of 2023 vide order dated 04.05.2023. He further submitted that the petitioner and the de-facto complainant were working in the same hospital and there was a consensual relationship between them and due to some misunderstanding,



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they severed their relationship, thereby, the petitioner had married another girl, whereas, the de-facto complainant, in order to wreak vengeance, had lodged a false complaint. He further submitted that even as per the prosecution, the occurrence were said to have taken place during the year of 2021 to 2022, whereas, the de-facto complainant had lodged a complaint only after the marriage of the petitioner. He further submitted that major part of the investigation is over and the petitioner is in custody from 23.04.2023. He also submitted that the petitioner 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 Additional Public Prosecutor appearing for the respondent submitted that petitioner had induced the victim girl on the false promise of marrying her and had a sexual intercourse with her against her will and cheated her, by marrying some other girl. He also submitted that this is the second bail application of the petitioner and the investigation in this case is pending. Therefore, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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

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 Chief Judicial Magistrate, Puducherry**, 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 10.30a.m. for a period of four weeks and thereafter, on every Saturday at 10.30



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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]***;

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

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To

1. The Chief Judicial Magistrate,
Puducherry.
2. The Station House Officer,
All Women Police Station,
Villianur.
3. The Central Prison,
Kalapet.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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