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CrI.O.P.No.11298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11298 of 2023

Prabakaran

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Polur All Women Police Station,
Thiruvannamalai District.
(Crime No.5 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.5 of 2023, on the file of
the respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.04.2023, in connection with Crime No.5 of 2023 registered for the



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offence punishable under Sections 417, 376(2)(n), 294(b), 506(i) of IPC, seeks bail.

2.The case of the prosecution is that the petitioner had love affair with the defacto complainant and also had sexual relationship with her on consent of false promise to get marry her, and later he refused to get marry her. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the co-accused were released on anticipatory bail by this Court in Crl.OP.No.9867 of 2023 dated 05.05.2023. He further submitted that the petitioner is in judicial custody from 13.04.2023. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally four accused in this case and the petitioner herein is arrayed as A1. He further submitted that the petitioner had love affair with the defacto complainant, on the false promise of getting



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marriage and after having physical relationship with her, and thereafter he refused to get marry her. He further submitted that the medical report is yet to be received. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and four witnesses have been examined and also the co-accused were released on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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 Judicial Magistrate Court, Polur**, 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 daily at 10.00 a.m., until further orders;



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[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.

18.05.2023

drl

To

1. The Judicial Magistrate Court,
Polur.
2. The Inspector of Police,
Polur All Women Police Station,
Thiruvannamalai District.
3. The Superintendent, Central Prison,
Salem.
4. The Public Prosecutor, High Court of Madras.

A.A.NAKKIRAN, J.



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