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Crl.O.P.No.12760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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

Crl.O.P.No.12760 of 2023

Vignesh

... Petitioner

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Avadi, Avadi City.

Crime No.14 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.14 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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



case. He further submitted that the defacto complainant is a divorcee and that there was a consensual relationship between them. He would further submit that during the said relationship, there were some financial transactions between them and so far, the petitioner has paid a sum of Rs.65,000/- to the defacto complainant through his account and he had also purchased jewels for her and the allegation that the petitioner has to repay a sum of Rs.2,00,000/- to the defacto complainant is false. He would further reiterate that the relationship between the petitioner and the defacto complainant is consensual in nature and therefore, the offence of rape, cannot be made out as against the petitioner. He also submitted that the petitioner is ready and willing to deposit a sum of Rs.50,000/- to the credit of the Crime Number and he has no objection in the amount being released in favour of the defacto complainant. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the defacto complainant is divorcee and that the petitioner on the false promise of marrying the defacto complainant, had sexual intercourse with her and thereafter, refused to marry her. Further, the petitioner has also cheated the defacto complainant to the tune of Rs.2,00,000/-.



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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and 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 directed to **deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.14 of 2023** and on such deposit and production of proof, 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 Judicial Magistrate No.1, Poonamallee**, 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;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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 with law as if the conditions have been imposed and the petitioners 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.

8. Further, the learned Magistrate is directed to disburse the amount to the de-facto complainant, after issuance of notice and proper identification and acknowledgement;

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To

1. The Judicial Magistrate Court No.1, Poonamallee.
2. The Inspector of Police,
All Women Police Station,
Avadi, Avadi City.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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