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Crl.O.P.No.13416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13416 of 2023

R.Elango

... Petitioner

Vs.

State Rep. by
The Inspector of Police
All Women Police Station
Selaiyur, Chennai
(In Cr.No.6 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in Crime No.6 of 2023 on
the file of the respondent.

For Petitioner : Mr.T.Padmanabhan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2023 for the offence punishable under **Sections 417, 420, 376 and 506(i) of IPC, in Crime No.6 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Aarthi is that the petitioner is known to her and they were working in private companies at Perungudi and Kovilambakkam respectively. While so, from May 2022, they were living in a same house and were going for job. On 29.04.2022, the petitioner induced her and on the promise of marrying her, had sexual intercourse with her against her will and thereafter, on the promise and assurance of marrying her, he continuously had sexual intercourse with her for several times. Further, he also had sexual intercourse with the defacto complainant on 24.01.2023 and on the next day, i.e. on 25.01.2023, he had gone to his native and thereafter, did not come back. When the defacto complainant had questioned the same, the petitioner along with his family members had threatened her. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are matured adults and they were working in private companies and without understanding the consequences, they were in live in relationship in a house at Kovilambakkam and during such time, there was a consensual relationship between the petitioner and the defacto complainant. Even as per the defacto complainant, there was a sexual intercourse between them for more than 80 times and they were in continuous relationship and that it is not a case where the petitioner had induced the defacto complainant for his lust and now a false complaint has been given against the petitioner. He further submitted that the petitioner has been languishing in jail from 12.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner and the defacto complainant are known to each other and they were working in private companies. They both were living in the same house and during such time, the petitioner had induced her and for more than a year, he had on the promise of marrying her, had sexual intercourse with her. He further submitted the statement of the victim has also been recorded under Section 164 Cr.P.C.



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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 including the FIR and the statement of the victim girl recorded under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, 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, Alandur**, 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 10.30 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 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.

19.06.2023

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To

1. The Additional Mahila Court, Alandur

2. The Inspector of Police
All Women Police Station
Selaiyur, Chennai

3. The Central Prison, Puzhal, Chennai

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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