



Crl.O.P.No.13833 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

Crl.O.P.No.13833 of 2023  
and Crl.M.P.No.8931 of 2023

Senthil Kumar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
AWPS, Poonamallee Police Station,  
Avadi.

(Crime No.37 of 2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.37 of 2022, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.M.N.Rajapath

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

For Intervener : Mr.T.K.S.Gandhi



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.05.2023 for the offences punishable under Sections 417, 420, 376(1), 294(b), 506(i) of IPC in Crime No.37 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Priyadharsini is that she is an Assistant Professor in a private Law College and she got introduced to the accused through Tamil Matrimony. Thereafter, he has gone to her house with marriage proposal and he had continued the relationship for a long time. While so, on 29.08.2021, the accused had invited her friends and celebrated her birthday and thereafter, he had continued to come to her house and on 17.09.2021, when she was alone at her home and the accused, on the assurance of marriage, had sexual intercourse with her and later, he had gone to Madurai stating that he will arrange for the marriage. Later, he had disconnected all modes of communications and severed her relationship. Hence the case.





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communications and refused to marry her. He further submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. Learned counsel appearing for the intervener vehemently opposed for granting bail to the petitioner stating that the accused, under the guise of marriage proposal, had befriended the victim/defacto complainant and later, had sexual intercourse with her and thereafter, refused to marry her. Hence, he opposed for grant of bail to the petitioner.

6. 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.

7. 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 bail to the petitioner with certain conditions.



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8. 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 Judicial Magistrate No.I, 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;

**[b] the petitioner shall report before the respondent Police, everyday 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 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]*;



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

9. Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is closed.

**26.06.2023**

*vk*

To

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



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**A.D.JAGADISH CHANDIRA.,J.**

*Vkr*

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Crl.M.P.No.8931 of 2023**

**26.06.2023**