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Crl.OP.No.14455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14455 of 2023

Jayaseelan

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Nagapattinam District.
Crime No.11 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.11 of 2023 on the
file of the Inspector of Police, All Women Police Station, Nagapattinam
District.

For Petitioner : Mr.R.Naresh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2023 for the offences punishable under Sections 376, 417 and 420 of IPC in Crime No.11 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, in a love affair between the petitioner and the defacto complainant, petitioner is falsely implicated in a case registered in Crime No.11 of 2023 registered for the offences under Sections 376, 417 and 420 of IPC. Petitioner is in Judicial Custody from 24.05.2023. Therefore, he prays for grant of bail to the petitioner.

3. In reply, learned Government Advocate (Crl. Side) submitted that, petitioner on the promise of marrying the defacto complainant had sexual relationship with her. Later, petitioner refused to marry the defacto complainant. Hence, he opposed for grant of bail to the petitioner.



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4. When this Court questioned whether medical examination of the victim girl is over, learned Government Advocate (Crl. Side) gave a positive reply.

5. Taking into consideration the fact that the petitioner is in Judicial Custody from 24.05.2023 and that, substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

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 **Additional Mahila Judicial Magistrate, Nagapattinam** 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 daily 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].

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

03.07.2023

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To

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1. Additional Mahila Judicial Magistrate Court,
Nagapattinam.
2. The Inspector of Police,
All Women Police Station,
Nagapattinam District.
3. District Prison,
Nagapattinam
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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