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CrI.O.P.No.14440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

CrI.O.P.No.14440 of 2023

Velmurugan

... Petitioner

Vs.

State rep by
The Inspector of Police
Ranipet All Women Police Station,
Vellore District.

Crime No.10 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.10 of 2023 on the file of
the respondent police.

For Petitioner : Mr.T.Danasekaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.05.2023 for the offences punishable under Sections 376(2)(n), 417 and
506(i) of IPC in Crime No.10 of 2023 on the file of the respondent police,
seeks bail.



2. The case of the prosecution as per the defacto complainant/ Karpagam, aged 27 years is that she got married to one Murugan 7 years ago and within 3 months, she got separated and later, she has also obtained divorce. The further allegation is that she got acquainted with the petitioner through Facebook. While so, on 27.12.2022, when she was alone at her home, the petitioner has come there stating that if she does not allow him to have intercourse, he will commit suicide and thereafter the petitioner, on the false promise of marriage, had sexual intercourse with her, due to which, she became pregnant and thereafter, the petitioner has refused to marry her stating that she got pregnant through someone else. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 28 years and the defacto complainant is aged 27 years and both of them are matured adults knowing the consequences of the act had indulged in the relationship. He would further submit that the petitioner and the defacto complainant got acquainted through Facebook and there was a consensual relationship between them. He would further submit that though originally the petitioner had agreed to marry the defacto complainant, later he came to know that she was having an affair with some other person and thereby, the petitioner has refused to marry her, due to



which, she has given a false complaint. He would further submit that the petitioner is in custody from 25.05.2023 and he is ready to offer his blood samples for conducting DNA examination, whenever he is called for. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner has induced the defacto complainant, who is a divorcee and on the false promise of marriage, had sexual intercourse with her, due to which, she became pregnant. Later, the petitioner had refused to marry the defacto complainant. He would further submit that the medical examination in respect of the petitioner is over and DNA samples have not been taken from the petitioner sofar. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the petitioner undertakes that as and when called for, he is ready to offer his blood samples for conducting DNA examination. Hence, he seeks 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 including the FIR.

7. 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.

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, Arani** 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. It is made clear that as and when called for, the petitioner shall abide by the undertaking and offer his blood samples for conducting DNA examination;



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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.

28.06.2023

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To

1. The Judicial Magistrate,
Arani.
2. The Inspector of Police
Ranipet All Women Police Station,
Vellore District.
3. The Central Jail,
Thorapadi, Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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