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Crl.O.P.No.15851 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.15851 of 2023

Natarajan

...Petitioner

Vs.

State Rep by its,
The Inspector of Police,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM
Villupuram District.
(Crime No.10 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No. 10 of 2023 on the file of respondent Police.

For Petitioner : Mr.M.Machavathanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2023 for the offence punishable under Sections 417, 376, 312 and 506(i) IPC in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.10 of 2023 for the offences punishable under Sections 417, 376, 312 and 506(i) IPC. Petitioner is innocent. Petitioner is in judicial custody from 20.06.2023. It is his further submission that, petitioner and defacto complainant are in love with each other. With the consent of the defacto complainant, petitioner had sexual relationship with her. Some how, marriage did not happen between them. Petitioner had married another woman. After marrying another woman, this complaint is given. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Additional Public Prosecutor, opposed this petition, on the ground, on the promise of marrying the defacto complainant, petitioner had sexual relationship with her, resulting in her becoming pregnant. Thereafter, at the instance of the petitioner, foetus was aborted. Petitioner now married another woman. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. It is seen from the first information report allegations that, love affair between the petitioner and defacto complainant was long standing, for over 8 years prior to the registration of the first information report. It appears that, defacto complainant willingly subjected herself to the petitioner, may be, on the promise given by the petitioner to marry the defacto complainant.

6. Considering the nature of the allegations made in the first information report and that petitioner is in judicial custody from 20.06.2023 and that Statement under Section 164 Cr.P.C was recorded,



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and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their 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 Magalir Neethi Mandram (Fast Track Mahila Court) Villupuram** 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 morning 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



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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.

11.08.2023

gd/dpa

To

- 1.The Magalir Neethi Mandram (Fast Track Mahila Court),
Villupuram.
- 2.The Inspector of Police,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM
Villupuram District.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

gd/dpa

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