



Crl.O.P.No.17137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

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

Crl.O.P.No.17137 of 2023

Vetriselvan

...Petitioner

Vs.

The State represented by
Sub Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.
Crime No.14 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.14 of 2023 on the file of the Sub Inspector of Police, All Women Police Station, Jayankondam, Ariyalur District.

For Petitioner : Mr.K.Balu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Sections 354(A), 376, 417, 498(A), 294(b) and 506(ii) IPC in Crime No.14 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.14 of 2023 for the offences under Sections 354(A), 376, 417, 498(A), 294(b) and 506(ii) IPC. It is his further submission that, petitioner and defacto complainant were in love with each other. As a result, defacto complainant got conceived. The marriage was taken place between the petitioner and the defacto complainant. Now, she has given this complaint, making false allegations. Petitioner is in judicial custody from 06.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, defacto complainant is a handicapped women. Petitioner, on the promise of marrying her, had physical



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relationship with her, even before the marriage. Only after persistent effort taken from the defacto complainant, it appears that, petitioner married her. Defacto complainant had also delivered a pre-matured child and is struggling with the pre-matured child. Now learned Additional Public Prosecutor requested that, this matter may be referred to Mediation, for finding out the possibility of resolving the dispute between them.

4. Considered the submissions and perused the records.

5. Considering the submissions of the learned counsel for the parties, this Court directs the Registry to refer this matter to the Mediation Centre in Ariyalur District and list the matter after completion of Mediation, with Mediation report or after two months for further hearing.

5.1. Considering the nature of the allegation made in the first information report and that petitioner is in judicial custody from



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06.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant interim bail to the petitioner to participate in the mediation proceedings.

6. Accordingly, the petitioner is ordered to be released on interim 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 **Judicial Magistrate No.II, Jayankondam** 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] (i) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(ii) petitioner shall extend his fullest co-operation for the conduct of the Mediation.



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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 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.

01.08.2023

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G.CHANDRASEKHARAN. J.

gd

To

1.The Judicial Magistrate No.II, Jayamkondam.

2.The Sub Jail,
Jayankondam.

3.Sub Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.

4.The Public Prosecutor,
High Court of Madras.

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