



Crl.O.P.No.17899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17899 of 2023

Dinesh

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station-Polur,
Tiruvannamalai District.
Crime No.09 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.9 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj.E

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.05.2023 for the offences punishable under Sections 417, 376(2)(n) and 506(ii) IPC in Crime No.9 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 accused in Crime No.9 of 2023 for the offences under Sections 417, 376(2)(n) and 506(ii) IPC. Petitioner is innocent. It is the submission of the learned counsel for the petitioner that, petitioner and defacto complainant were in love with each other. The allegation that petitioner had sexual relationship with her, on the promise of marriage is not true. Petitioner is in judicial custody from 27.05.2023. Therefore, he prays for grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor, opposed this petition, on the ground that, petitioner and defacto complainant were in love with each other. On the promise of marrying the defacto complainant, petitioner had sexual relationship with defacto complainant



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on 14.02.2023. He had sexual relationship even after the resistance from the defacto complainant. Thereafter, he had sexual relationship with her on 04.05.2023 forcefully. The Statement of the victim girl under Section 164 Cr.P.C had also been recorded. She reiterated the allegation made in the first information report. It is his further submission that, investigation in this case is completed and final report is filed and taken on file in PRC.No.17 of 2023. However, he prays for dismissal of this petition.

4 .Considering the fact that, petitioner is in judicial custody from 27.05.2023 and that investigation in this case is completed and final report is taken on file in PRC.No.17 of 2023, 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 Judicial Magistrate, Polur, Tiruvannamalai** 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



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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 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.

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To

- 1.The Judicial Magistrate, Polur, Tiruvannamalai.
- 2.The Inspector of Police,
All Women Police Station-Polur,
Tiruvannamalai District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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