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Crl.O.P.No.18641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.18641 of 2023

Manikandan

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
(Crime No.171 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in Crime No. 171 of 2023 pending investigation before the respondent Police Station.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 07.06.2023 for the offence punishable under Sections 417, 376 and 506(i) IPC in Crime No.171 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.171 of 2023 for the offences punishable under Sections 417, 376 and 506(i) IPC. Petitioner is innocent. He further submitted that, petitioner and defacto complainant were in love with each other. They had physical relationship with the consent of the defacto complainant. However, a false complaint is given, alleging that, he had physical relationship with the defacto complainant by force. Petitioner is in judicial custody from 07.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, as per the first information report allegations, petitioner had physical relationship with the defacto complainant multiple times, on the



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promise of marrying her. Subsequently, petitioner had not married the defacto complainant and married another woman. Therefore, this complaint was given. The Statement under Section 164 Cr.P.C was recorded. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. Though it is stated in the first information report that, petitioner had physical relationship with the defacto complainant by force and on the promise of marriage, however, the reading of the Statement of the defacto complainant recorded under Section 164 Cr.P.C shows that, defacto complainant had also consented for having physical relationship with the petitioner. Medical examination of the defacto complainant is over.

6. Considering all the above facts and that petitioner is in judicial custody from 07.06.2023 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



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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, Additional Mahila Court at Ariyalur** 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 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].



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

18.08.2023

gd/ns1

To

- 1.The Learned Judicial Magistrate,
Additional Mahila Court,
Ariyalur.
- 2.The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
3. The Sub Jail,
Ariyalur District.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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