



Crl.O.P.No.19760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.19760 of 2023

Dhandapani

...Petitioner

Vs.

The State Represented by,
The Station House Officer,
Neravy Police Station,
Karaikal.
Crime No.59 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.59 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Vivek

For Respondent : Mr.K.S.Mohan Das
Public Prosecutor-Puducherry
Assisted by Mr.Thamizhmani



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ORDER

The petitioner, who was arrested on 26.07.2023 and remanded to judicial custody on 27.07.2023 for the offences punishable under Sections 417, 376(n), 294(b) and 506(ii) of IPC in Crime No.59 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is the father of the 1st accused. 1st accused said to have sexual relationship with the defacto complainant on the promise of marrying her. Now, petitioner is implicated as an accused mainly for the reason that, he is the father of the accused. Petitioner is in Judicial Custody from 26.07.2023. Thus, he seeks bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor submitted that, 1st accused on the promise of marrying the defacto complainant had sexual relationship with her. Subsequently, he refused to marry her. On 28.05.2023, the defacto complainant and her mother visited the house of the accused and asked the 1st accused to marry the defacto complainant. For which, petitioner said to have scolded the defacto complainant in



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filthy language and threatened to kill her.

4. Considering the allegations against the petitioner that, petitioner refused to conduct marriage between the defacto complainant and the 1st accused and abused the defacto complainant and her mother and made criminal intimidation and also having regard to the fact that, petitioner is in Judicial Custody from 26.07.2023 and that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on 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 **Judicial Magistrate, Karaikkal** 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



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respondent police daily 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.

31.08.2023

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To

1.The Judicial Magistrate,



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Karaikkal.

2.Sub Jail,
Karaikkal.

3.The Station House Officer,
Neravy Police Station,
Karaikal.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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