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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1665 of 2023

Poovarasan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Musiri, All Women Police Station,
Trichy District.
Crime No.36 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Balamurugan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

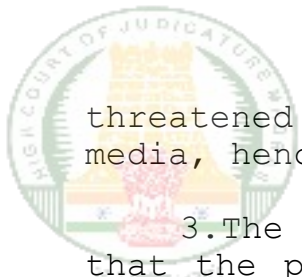
PRAYER :-

For Bail in Crime No.36 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 11.12.2022 for the offence punishable under Sections 417,354(C),376 of IPC in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is known to the accused through her cousin, Hariharan and they were having love affair for the past one year and that on 17.07.2022 the accused had went to the house of the sister -in -law and on the promise of marrying her had sexual intercourse with her and during such time she has taken photos and videos and also threatened her to succumb to his desires. Later she finding that the accused was not having good reputation had severed his relationship and decided to marry her cousin Hariharan. The accused had sent the photos and videos to her cousin Hariharan and stopped the marriage and he also



threatened that he will upload the photos and videos in the social media, hence the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is aged about 22 years and he is innocent. He would further submit that admittedly there was love affair between the petitioner and the defacto complainant for the past one year and relationship was consensual in nature. He would further submit that the petitioner's brother one Sahith got involved in a POCSO case registered and there was financial dealing with the petitioner and the defacto complainant and during the relevant point of time there was some misunderstanding between them thereby a false complaint has been given. He would also reiterate that the relationship between them was consensual and the petitioner is in custody from 11.12.2022 and major part of the investigation is over and the statement of the victim has also been recorded under section 164 Cr.P.C , hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is known to the defacto complainant and he had on the promise of marrying the defacto complainant had sexual relationship with her and had also taken videos and photos and later based on the said photos and videos had compelled her to succumb to his desires. Later, he had also stopped the marriage with her cousin. He would also submit that the petitioner threatened the victim girl that he will upload the photos and videos in the social media, hence he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report and the statement of the victim recorded under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur and on further conditions that:

[b] 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.

[c] the petitioner shall stay at Nagercoil and report before the Kottar Police Station daily at 10.30 a.m., and 5.30 pm., until



[d] the petitioner shall not commit any offences of nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

30/01/2023

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30/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, MUSIRI ALL WOMEN POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.

+1 CC to M/s.S.VEEERAPANDI SELARAJ, Advocate (SR-1392[I] dated
30/01/2023)

ORDER

IN

CRL OP(MD) No.1665 of 2023

Date :30/01/2023

RS/SSS/SAR.(30.01.2023) 3P-8C

<https://www.mhc.tn.gov.in/judis>