



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.2061 of 2023

Jeyachandran

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
AWPS, Usilampatti Police Station,
Madurai District
(Crime No.02 of 2023).

... Respondent/Complainant

For Petitioner : M/s.RAMSUNDARVIJAYARAJ.S,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

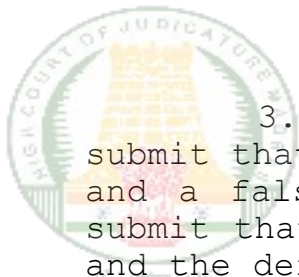
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.2 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 14.01.2023 for the offence punishable under Sections 417,376 and 506(i) of IPC in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is studying 3rd year B.A at Government Arts College, Kodaikanal and she is staying in a room with her friends at Kodaikanal. The defacto complainant and A1 have developed love affair. Whiles, on 1.12.2022 A1 went to kodaikanal and met the defacto complainant and promised her that he would marry her and booked a room in SMS Residency for three days and they had physical relationship. Subsequently on 18.12.2022 A1 contacted the defacto complainant over phone and informed her that he could marry her only if the parents of the defacto complainant would present her 80 sovereigns of gold jewels, otherwise he would marry somebody and switched off his phone. The defacto complainant decided to commit suicide. Later on 03.01.2023 A1 to A5 threatened the defacto complainant to discontinue the affair that she had with A1 abused her and criminally intimidated her with dire consequences, hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that admittedly there was love affair between the petitioner and the defacto complainant and the defacto complainant was studying in kodaikanal and the petitioner had gone there where they have taken room and during such time, they had sexual relationship. He would further submit that it is not a case where the petitioner has given false assurance or promise only with the intention to satisfy his lust. Admittedly the affair between them was consensual in nature and later due to some family dispute the proposal for marriage could not be confirmed and the petitioner has also blocked the number of the defacto complainant. He would further submit that major part of the investigation is over and medical examination of both the victim and the petitioner has also been completed. He would further submit that the petitioner is in judicial custody from 14.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner who is known to the victim girl had induced her on the false promise of marrying her alleged to have sexual intercourse with her and later he had demanded 80 sovereigns of gold jewels for marrying her and the family members of the petitioner has also abused the defacto complainant in filthy language, hence he objected to grant bail to the petitioner. He would also submit that the statement of the victim has also been recorded under Section 164 of Cr.P.C.

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(of which one shall be the father or mother of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Usilampatti 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 report before the respondent police daily at 10.30 A.M., until further orders.



[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/-

06/02/2023

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06/02/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, SUB JAIL, USILAMPATTI.F

4 THE INSPECTOR OF POLICE,
AWPS, USILAMPATTI POLICE STATION, MADURAI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAMSUNDARVIJAYARAJ.S Advocate SR.No.1822

ORDER

IN

CRL OP(MD) No.2061 of 2023

Date :06/02/2023

SA/SSS/SAR. /06.02.2023/3P/7C