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CRL OP(MD). I



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2023

PRESENT

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

CRL OP(MD). No.3278 of 2023

A.Joseph Lenin

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tanjore AWPS,
Tanjore District.
Crime No.39 of 2022..

... Respondent/Complainant

For Petitioner : Mr.R.Sakthivel,Advocate.

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

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

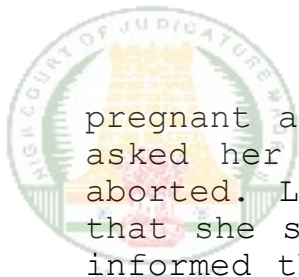
PRAYER :-

For Bail in Crime No.39 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 02.02.2023 for the offence punishable under Sections 417, 376, 312 and 506(ii) IPC in Crime No.39 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant xxxxxx who is 27 years old is that she has completed MCA and that she was in love with the accused for the past 2 ½ years and on 20.04.2019 the accused finding that there was nobody in the house came to the house and compelled her and committed sexual intercourse with her and thereby on a false promise of marrying her he had repeated sexual intercourse with her due to which she get



pregnant and when she had informed about pregnancy, the petitioner asked her to abort and she had consumed pills and pregnancy was aborted. Later, the accused had refused to marry her and told her that she should not give any complaint and the defacto complainant informed the same to the parents of the accused and they have also threatened the defacto complainant and subsequently on 28.08.2022, the defacto complainant had given a complaint before the Vallam All Women Police Station and have called the accused for enquiry and during enquiry, the accused had undertaken to marry her and later refused to marry her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are known to each other for several years and the victim is aged 27 years and she is aware about the consequences of the affair with the petitioner and even as per the complainant, they were in a affair for 2 ½ years and their relationship with was in consensual in nature due to which she became pregnant and it is not a case where the petitioner, only for satisfying his lust, had induced the defacto complainant and had sexual intercourse with her. He would further submit that the petitioner is in judicial custody from 02.02.2023 and major part of the investigation is over and the medical examination in respect of the petitioner is also completed and he would seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is aged 30 years and the defacto complainant is aged 27 years and petitioner on the false promise of marrying her had induced and had sexual intercourse with her and she became pregnant and on the false promise of marrying her, he had repeatedly had sexual intercourse with her and later the petitioner had refused to marry her. He would strongly object for grant of bail.

5. Heard. Perused the materials available on record including the First Information Report.

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 **Additional Mahila Court, Tanjore**, 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 responder at the Police Station everyday at 10.30 a.m. until further orders.

[d] the petitioner shall not commit any offences of similar 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/-

27/02/2023

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27/02/2023

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

CM
TO

- 1 THE ADDITIONAL MAHILA JUDGE, TANJORE.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TANJORE, TANJORE DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL AT PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SUNDAR, Advocate (SR-2962[I] dated 27/02/2023)

ORDER

IN

CRL OP(MD) No.3278 of 2023

Date :27/02/2023

PKP/SSS/SAR-/27.02.2023/3P/6C

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