



Crl.O.P.No.7654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.7654 of 2024

K.Ajithkumar

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
All Women Central Police Station,
Coimbatore.
(Crime No.05/2024)

...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.05/2024 on the file of the All Women Police Station, Coimbatore.

For Petitioner : Mr.G.Kartheeban

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2024 for the offences punishable under Sections 366, 376(2)(n) and 506(i) of IPC in Crime No.5 of 2024 on the file of the respondent,



Crl.O.P.No.7654 of 2024

seeks bail.

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2. The petitioner is arrayed as A1, A2 and A3 who are the parents of the petitioner / A1, are still absconding.

3. The learned counsel for the petitioner stated that the relationship between the petitioner and the defacto complainant was consensual in nature.

4. The earlier petition seeking bail was dismissed on 06.03.2024 in Crl.O.P.No.5537 of 2024. There has been substantial progress in the investigation, which is a significant change in circumstance.

5. Additionally, it is also stated by the learned counsel for the petitioner that the relationship being consensual in nature, had actually led to the petitioner to already marrying the victim on 18.08.2023 at Sannasi Amman Temple, Coimbatore. It is also stated that he would again go through the performance of marriage in accordance with Hindu



Customs.

6. An affidavit has now been filed by the petitioner that he would again go through the performance of marriage in accordance with Hindu customs.

7. Taking all the factors into consideration, bail is granted to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore 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, everyday at 10.30 a.m., until further orders.



Crl.O.P.No.7654 of 2024

[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.

12.04.2024

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To

1. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
2. The Central Jail, Coimbatore.
3. The Inspector of Police,
All Women Central Police Station,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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CrI.O.P.No.7654 of 2024



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Crl.O.P.No.7654 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.7654 of 2024

12.04.2024