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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.10586 of 2024

Gokulakrishnan

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Thirukoilur All Women Police Station,
Kallakurichi District
Crime No. 12 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 12 of 2024 p on the
file of the respondent police.

For Petitioner : Mr.S.Saravanakumar
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **21.02.2024** for the alleged offences punishable under Sections 417, 376 (ii)(n), 294 (B) and 506 (i) of IPC **in crime No. 12 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is aged about 21 years and the defacto complainant is aged about 19 years. Both of them had a lover affair and on the pretext of marrying her, the petitioner said to have physical relationship with her on several times. While being so, his family members made arrangement for his marriage with some other girl and when she questioned about the same, he had threatened her with dire consequences. Hence, the case.

3. Heard both sides.

4. The statement of the victim has been recorded under Section 164 Cr.P.C., wherein she stated that the petitioner had sexual intercourse with her by promising to marry her and thereafter, refused to marry her.



Considering the above, the victim is aged about 19 years and the petitioner is aged about 21 years and the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankarapuram Taluk** 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 on alternative days at 10.30 a.m. and 5.30 p.m., for a period of three months and thereafter report before the respondent police as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate,Sankarapuram Taluk**
- 2.The Inspector of Police
Thirukoilur All Women Police Station,
Kallakurichi District
3. The central prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10586 of 2024

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