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Crl.O.P.No.11922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11922 of 2024

Korukonda Santosh Kumar
S/o. Chandra Rao

... Petitioner / Accused No.1

Versus

State rep. by
The Inspector of Police,
Yanam Police Station,
Yanam.
(Crime No.5 / 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner / accused no.1 in Crime No.5 of 2023 on the file of the respondent police.

For Petitioner : Ms. V. Pavithra Devi
for Sasindran.K.

For Respondent : Mr. M. V. Ramachandra Murthy
Additional Public Prosecutor

ORDER: The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 12.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 506(ii), read with Section 34 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.5 of 2023 on the file of the respondent police.

3. The case of the prosecution is that the petitioner and the defacto complainant were residing in same locality and were in a romantic relationship. The petitioner, on false pretext of marriage, engaged in sexual intercourse with the defacto complainant on several occasions. Once on seeing them together, the petitioner's parents insulted and assaulted the defacto complainant and also threatened her holding an iron rod in their hand. The petitioner had promised to marry her on securing a job. Then, on the petitioner securing a job in a private sector company, the defacto complainant asked the petitioner to marry her. However, he told her he had no intention of marrying her. Further, he threatened to leak her private pictures and videos in social media. Hence, the case.



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4. The learned counsel for the petitioner submitted that the petitioner is innocent person and that co-accused - A2 and A3 were granted bail and absconding charge sheet has been filed against the accused in PRC No.3 of 2024 on the file of Subordinate Judge-cum-Judicial Magistrate, Yanam. Further submitted that the learned Magistrate issued NBW against the petitioner and the petitioner has permanent residence and ready to abide any condition to be imposed by this Court. Hence, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein is arrayed as A1. He further submitted that the earlier application seeking anticipatory bail filed before the learned vacation Judge, Puducherry was dismissed on 09.05.2024 in Crl.M.P.No.79 of 2024. Further submitted that in this case, investigation has been completed, and Charge Sheet has also been filed. Further submitted that NBW has been issued against this petitioner as he was absconding for more than a year. Hence, he objected to grant anticipatory bail to the petitioner.

6. Heard on both sides. This Court has perused the records.



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7. The petitioner is arrayed as A1 and the co-accused - A2 and A3 were granted bail. Charge sheet has also been filed by the respondent Police in P.R.C. No.3 of 2024 against all the accused.

8. Considering the above facts and circumstances of the case, the nature of the offence alleged to have committed by the petitioner and considering the fact that charge sheet has been filed in P.R.C. No.3 of 2024, this court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the **concerned jurisdictional Magistrate** within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the **concerned jurisdictional Magistrate**;

(ii) The petitioner shall appear and sign before the **concerned jurisdictional Magistrate daily at 10.00 a.m.**, until further orders;

(iii) The sureties shall affix his photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal



Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure his identity;

(iv) The petitioner shall co-operate with the investigating agency as and when called for even for medical test, if any required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not enter into the defacto complainant's house and workplace; and

(vii) The petitioner shall not leave India without the prior permission of the trial Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.



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Index : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Subordinate Judge-cum-Judicial Magistrate, Yanam.

2. DO THROUGH:

The Chief Judicial Magistrate, Pondicherry.

3. The Inspector of Police,
Yanam Police Station,
Yanam.

4. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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