



Crl.O.P.No.22223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22223 of 2024

Paul Robert

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
(Crime No. 09 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 09 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.06.2024, for the alleged offence punishable under Sections 376 and



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506(i) of IPC, in Crime No.09 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during the year 2023, the defacto complainant had preferred the complaint stating that the petitioner, who is a married man, had promised to marry the defacto complainant, for which, he had sexual intercourse with her on several occasions and later, refused to marry her. Based on this, the respondent police registered the FIR in Crime No.11 of 2023. Subsequently, she preferred another complaint stating that the petitioner threatened her to withdraw the earlier complaint given by the defacto complainant. Based on this, the respondent police registered a case in Crime No.09 of 2024. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 100 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that for pending the earlier complaint in the year 2023, the accused threatened the defacto complainant to withdraw the earlier case, and once again had sexual intercourse with the defacto complainant. As a result, the respondent police registered the complaint against the petitioner in Crime No.9 of 2024. He further submitted that the statement has also been recorded from the victim girl under Section 164 Cr.P.C. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence, and the relationship between the parties and also considering the statement recorded from the victim girl before Judicial Magistrate, Katpadi, under Section 183 of BNS, and also considering the period of incarceration undergone by the petitioner, and also considering all



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others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the Judicial Magistrate, Katpadi, Vellore District, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, everyday at 10.30 a.m, until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.09.2024

drl

To

- 1.The Judicial Magistrate,
Katpadi, Vellore District.
- 2.The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
- 3.The Superintendent,
Central Prison, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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