



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirtieth day of December Two Thousand Thirteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23494 of 2013

LEMON SAMUEL

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MANOOR POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.488 OF 2013)... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K. PRABHU Advocate
For Respondent : MR.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was remanded to the judicial custody by the respondent police on 14.12.2013 for the alleged offence under Sections 452, 376, 506(ii) of IPC in Crime No.488 of 2013 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is the owner of JCB Vehicle and 8 months prior to the date of report this petitioner came to the village of the defacto complainant with JCB Vehicle and he criminally trespassed into the house of one Mari @ Lakshmi and committed rape. The defacto complainant is the brother of the victim girl, who is aged about 32 years and when the defacto complainant asked about this fact, the accused criminally intimidated him.

3. Learned counsel appearing for the petitioner would submit that out of business motive, this case has been foisted against the petitioner. He further submitted that the petitioner is an innocent person and he is nothing to do with the alleged offence.

4. Learned Additional Public Prosecutor would strongly oppose for grant of bail. He would submit that medical report of the victim girl has not been received.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and also perused the materials available on record.

6. On going through the statement of the victim girl it appears that she was having affair with the accused and after she became pregnant, a complaint has been lodged saying that she was subjected to rape.

7. Considering the facts and circumstances of the case this Court is inclined to enlarge the petitioner on bail on the following conditions. Accordingly, the petitioner is directed to be released on bail on 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 learned



Judicial Magistrate No.VI, Tirunelveli, and on further condition that the petitioner shall stay at Madurai and appear before Vilakkuthoon Police Station daily at 10.00 a.m until further orders.

sd/-
30/12/2013

/ TRUE COPY /

WEB COPY

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

TO

1.THE JUDICIAL MAGISTRATE NO.VI,TIRUNELVELI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.

5.THE INSPECTOR OF POLICE
MANOOR POLICE STATION,
TIRUNELVELI DISTRICT.

6.THE OFFICER INCHARGE
VILAKKUTHOON POLICE STATION, MADURAI.

+1. CC to M/S.K. PRABHU Advocate SR.No.64370

ORDER

IN

CRL OP(MD) No.23494 of 2013

Date :30/12/2013

rg.30.12.2013

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