



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

Tuesday, the Fifteenth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17843 of 2015

CHANDRAN

... PETITIONER /SOLE ACCUSED

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KILAKARAI,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 10/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.ABDUL HALEEM Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused in Crime No.10 of 2015 for the offences punishable under Sections 417, 376 IPC r/w Section 3(1)(XII) of SC / ST POA Act, 1989 on the file of the respondent Police, was arrested and remanded to judicial custody on 21.08.2015. He seeks bail.

2.According to the prosecution, the accused, who was working as Supervisor in Prawn Form, where the victim was working as an employee, by giving promise to marry the de facto complainant, he had physical relationship with her for the past one year. Thereafter, he has not married her as promised.

3.The learned counsel for the petitioner submitted that the victim aged about 26 years and she has already married. Even as per the complaint, she had given consent for the sexual relationship. Therefore, the offence of Section 376 IPC is not made out. It is further submitted that even according to the de facto complainant, both were having physical relationship for more than one year and according to the petitioner, he did not give any promise and there was no physical relationship with the de facto complainant.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police vehemently opposed for granting bail to the petitioner submitting that the petitioner has gave promise to the father of the de facto complainant to marry his daughter and



thereafter, both had physical relationship. But subsequently, the petitioner / accused refused to marry the de facto complainant. The learned Government Advocate (Crl.side) further submitted that the de facto complainant aged about 26 years.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

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6. Considering the fact and circumstances, this Court is inclined to grant bail to the petitioner with certain conditions. 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram, and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-

15/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM.
 - 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KILAKARAI, RAMANATHAPURAM DISTRICT.
 - 5 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.
- +1. CC to M/S A.ABDUL HALEEM Advocate SR.No.52487

ORDER

IN

CRL OP(MD) No.17843 of 2015

Date :15/09/2015

RG.15.09.2015/MPA/SAR-II 2P/7C.