



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Ninth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3853 of 2015

WEB COPY

SATHEESH

... PETITIONER/ACCUSED-2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR. NO. 651/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.VAMANAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.01.2015, for the offence punishable under Sections 447, 366, 294(b), 376, 352, 279 and 506(ii) of the Indian Penal Code, in Crime No.651 of 2014, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim, in this case, is one Shyja, who is aged about 30 years and married to the *de facto* complainant, by name Xavier and they have two children. On 22.12.2014, after work, when he came back home, he did not find his wife and children and therefore, he lodged a complaint and based on the same, a case in Crime No.651 of 2014 for woman and child missing was registered by the respondent police. On 29.12.2014, the victim came back home. This petitioner was arrested by the police on 28.01.2015 on the charge that he had committed rape on the victim. It is seen that the victim was having an affair with this petitioner and she eloped with him and they were together for a period of four days and thereafter, she returned back home.

3. Taking into consideration the overall facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 learned Judicial Magistrate, No.I, Kuzhithurai and on further condition that:



[a] the petitioner shall report before the respondent police twice a day daily at 10.30 a.m. And 6.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
09/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, KUZHITHURAI
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER-IN-CHARGE DISTRICT JAIL, NAGERCOIL
- 5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.VAMANAN Advocate SR.No.11241

ORDER
IN
CRL OP(MD) No.3853 of 2015
Date :09/03/2015