



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13766 of 2016

M.SOMASUNDARAM,

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY THE INSPECTOR OF POLICE,
TIRUNELVELI BRIDGE POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 407 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.GOKUL Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 23.05.2016 for the alleged offences punishable under Sections 341, 294(b), 323, 376, 511, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.407 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 22.05.2016, when the de facto complainant was returning back home after completing her work, the petitioner along with the other accused persons blocked her and abused her in filthy language and attempted to rape her. When she tried to escape, A.1 attacked her with stick on her leg and caused injury. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The petitioner is in judicial custody from 23.05.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner along with the other accused persons blocked her and abused her in filthy language and attempted to rape her. When she tried to escape, A.1 attacked her with stick on her leg and caused injury. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 23.05.2016 and also considering the nature of allegation made against the petitioner, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the



petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall execute 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.IV, Tirunelveli.

(ii) the petitioner shall report before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

03/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, TIRUNELVELI BRIDGE POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S K.GOKUL Advocate SR.No. 41576

smn

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ORDER

IN

CRL OP(MD) No.13766 of 2016

Date :03/08/2016