



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

Monday, the Seventeenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19482 of 2016

JEYAMURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.23 OF 2016

...RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.M.HASSANUL BAZARI Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

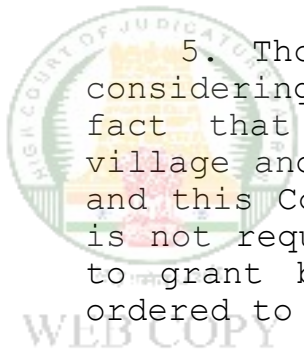
ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested on 30.08.2016 for the offence punishable under Sections 417, 376, 294(b) and 506(i) IPC in Crime No.23 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had physical relationship with the defacto complainant on the promise of marrying her and subsequently he refused to marry her and threatened her with dire consequences.

3. The learned counsel for the petitioner would submit that due to immoral character of the defacto complainant, she was excommunicated from the village and that the defacto complainant was a divorcee and again she married another person and the defacto complainant gave birth to a child through the first marriage. He further submitted that the Panchayataram took a decision of excommunicating her and enraged by the same, a false complaint has been lodged by the defacto complainant.

4. The learned Government Advocate(Crl. Side) would submit that investigation is almost completed and medical report has also been received.



5. Though serious allegation is made against the petitioner, considering the period of incarceration of the petitioner and the fact that the defacto complainant was excommunicated from the village and that the petitioner was also party to the said decision and this Court is of the view that further custodial interrogation is not required at this stage and therefore, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate No.I, Ramanathapuram;

(ii) the petitioner is directed to appear before the respondent police at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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].

sd/-

17/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM
 - 5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- +1. CC to M/S.J.M.HASSANUL BAZARI Advocate SR.No.60886.

ORDER

IN

CRL OP(MD) No.19482 of 2016

Date : 17/10/2016