



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

Wednesday, the Twenty Third day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21114 of 2016

SUDHAN @ HARIHARA SUDHAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT
(CRIME NO.14 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner / accused, who was arrested on 12.09.2016 for the offences punishable under Sections 451, 376, 294(b) and 506(i) of I.P.C., in Crime No.14 of 2016 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. The case of the prosecution is that the petitioner had trespassed into the house of the de-facto complainant and had physical relationship with her and now she has become pregnant and on 15.08.2016, the accused persons came to the house of the de-facto complainant and abused her in filthy language and directed her to abort the foetus.

4. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 12.09.2016.

5. The learned Government Advocate (Crl.side) submitted that charge sheet has been filed before the learned Judicial Magistrate No.I, Tuticorin.



6. Taking note of the fact that the charge sheet has been filed, that the petitioner is in custody from 12.09.2016, that apart it is stated that the girl was 19 years old and she attended his wedding and there is no complaint and the petitioner has also produced the photograph of the wedding, wherein the victim girl was standing, 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, Thoothukudi;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. and 5.00 p.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/-

23/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

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

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT

+1. CC to M/S.A. THIRUVADIKUMAR Advocate SR.No.71724.

ORDER

IN

CRL OP(MD) No.21114 of 2016

Date : 23/11/2016