



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

Monday, the Thirteenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2611 of 2017

ARUMUGAM @ KERATTAI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
(CRIME NO.2 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.ANANDA KUMAR Advocate

For Respondent :Mr.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, was arrested on 18.02.2017 for the offences punishable under Sections 417, 376 and 506(i) of I.P.C., in Crime No.2 of 2017 on the file of the respondent police, seeks bail.

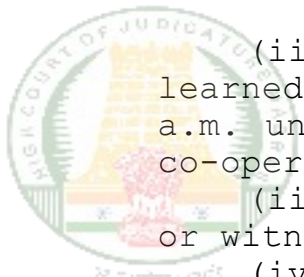
2. The learned counsel for the petitioner submits that a false complaint of rape has been lodged against the petitioner alleging that 7 months prior to the complaint, the petitioner had forcibly intercourse with the de-facto complainant.

3. According to the petitioner, it is fall out of a civil dispute pending between the mother of the de-facto complainant and the wife of the petitioner/accused. The age of the victim lady is 32 years and the petitioner is 54 years.

4. Considering the pendency of civil dispute between both the family and delay in lodging the complaint, this Court is of the opinion that the detention of the petitioner is not necessary for investigation, 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 learned

<https://hcservices.ecourts.gov.in/hcservices/>
Judicial Magistrate No.II, Sivagangai.



(ii) the petitioner is directed to appear before the learned Judicial Magistrate No.II, Sivagangai daily at 10.30 a.m. until further orders and the petitioner is directed to co-operate with the investigation.

(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/-

13/03/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.

4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5.ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANDA KUMAR Advocate SR.No.14255

ORDER

IN

CRL OP(MD) No.2611 of 2017

Date :13/03/2017

MS/SV.MMS/13.03.2017/2P.7C