



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

Wednesday, the Twenty Fifth day of January Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.710 of 2017

WEB COPY

MUTHUKRISHAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI
SIVAGANGAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

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

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

ORDER : The Court Made the following order :-

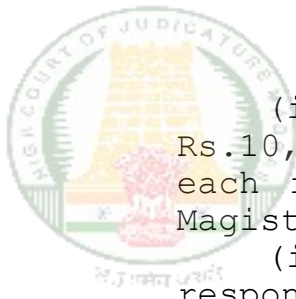
The petitioner / A1, who was arrested on 11.11.2016 for the offences punishable under Sections 417, 376 IPC and Section 3(1)(r)(s), 3(1)(XII) of SC ST (POA) Act, 1989 in Crime No.25 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 and the de facto complainant loved each other and the first accused by giving false promise to marry her, had physical relationship with her.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that victim is married woman aged about 26 years and in one place of the FIR, the de facto complainant stated that she had physical relationship with A1 and in another place she was forcibly raped by A1.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 6 accused in this case, petitioner is A1, A2 and A3 were granted anticipatory bail by the Sessions Court and other accused are absconding and hence, investigation is still pending.

5.Considering the facts and circumstances of the case and considering the different version of the de facto complainant in the FIR, the 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, Manamadurai;

(ii) the petitioner is directed to appear before the respondent police daily 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/-

25/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.1)

TO

1 THE JUDICIAL MAGISTRATE
MANAMADURAI.

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

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

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.V.KANNAN Advocate SR.No.4262

ORDER

IN

CRL OP(MD) No.710 of 2017

Date :25/01/2017