



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

Wednesday, the First day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.893 of 2017

VENKATRAMAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE REB BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT,
CR NO. 11/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

For Respondent :Mr.P.Kandasamy, Govt. Advocate (Crl. Side)

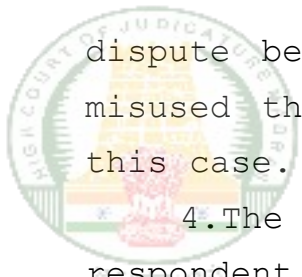
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.12.2016 for the offences punishable under Section 376 IPC r/w Section 3(1)(r)(s) & 3(1)(w)(i) of SC / ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.11 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the the petitioner and the de facto complainant loved with each other and the petitioner by giving false promise to marry, 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 the de facto complainant is aged about 26 years and the alleged rap is not true and due to some



dispute between the petitioner and the de facto complainant, she misused the penal provisions and thereby roped the petitioner in this case.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are 4 accused in this case and the petitioner is A1 in this case and A4 is still absconding and as per direction of this Court in CrI.O.P.(MD)No.24053 of 2016 dated 29.12.2016, A2 and A3, who are parents of A1, surrendered before the concerned Special Court and obtained bail. He also submitted that the petitioner raped the de facto complainant and abused her by using caste name and also threatened her with dire consequences. He further submitted that due to physical relationship between the petitioner and the de facto complainant, she became pregnant and that the petitioner forced her for abortion and thereafter, refused to marry her. He also submitted that investigation is almost over and final report is yet to be filed.

5.Considering the facts and circumstances of the case and considering the averments in the FIR that there was a consent physical relationship between the petitioner and the de facto complainant and also considering the fact that the petitioner is in judicial custody from 14.12.2016 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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.II, Kumbakonam, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during trial.

[d] 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].

sd/-
01/02/2017

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

TO

1.THE JUDICIAL MAGISTRATE
NO.II, KUMBAKONAM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT.

3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1. CC to M/S.A.THIRUVADIKUMAR Advocate SR.No.5366

AAM RSK 01.02.2017 3P 6C

ORDER
IN
CRL OP(MD) No.893 of 2017
Date :01/02/2017