



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.23650 of 2016

ARUNPRAKASH,

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
(CR.NO.85/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MALATHI Advocate

For Respondent : MR.R.RAMACHANDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

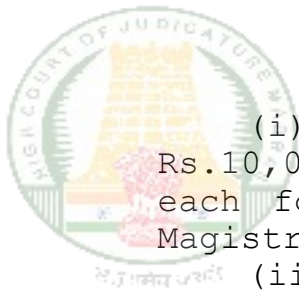
The petitioner/accused who was arrested on 14.10.2016 for the offences punishable under Sections 376, 323, 379(NP) of IPC r/w. 3 (2)(va) of SC/ST(POA) Act, 2015 @ 376, 323, 379(NP) of IPC in Crime No.85 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant namely Pandiselvi, wife of Karuppaiah gave a complaint on 7.10.2016 stating that the Petitioner alleged to have taken the Petitioner in a two wheeler and forcibly raped her and took away her cellphone and a cash of Rs.4000/- from her.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 88 days.

4.Heard the learned Additional Government Pleader on the above submission.

5.Considering the facts and circumstances of the case and that the petitioner has been in custody for 88 days, 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, Melur.

(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/-

09/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT.

+1. CC to M/S.K.MALATHI Advocate SR.No.1421.

ORDER

IN

CRL OP(MD) No.23650 of 2016

Date : 09/01/2017

MSM/EM MPA/SAR-1/09.01.2017/2P/7C