



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1146 of 2018

SURESH @ SURESHKUMAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CR.NO. 224/2017

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.N.RAMESH ARUMUGAM Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

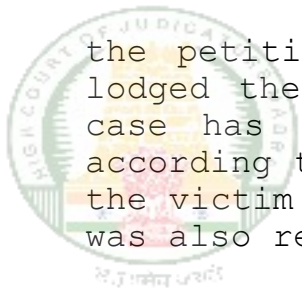
The petitioner / sole accused, who was arrested on 22.12.2017 for the offence punishable under Sections 417, 406 and 376 IPC in Crime No.224 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that by giving false promise to marry, the petitioner had physically contact with the de facto complainant and committed the alleged offence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 22.12.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that FIR was registered on 27.06.2017 and the petitioner surrendered before the learned Judicial Magistrate No.I, Tirunelveli on 22.12.2017. He further submitted that the medical examination of the accused and the victim was completed. Further added that 164 Cr.P.C statement of the victim girl was also recorded. According to him investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Sections 417, 406 and 376 IPC and he is in judicial custody from 22.12.2017. As per submission made by the learned Government Advocate (Crl.side), before the alleged occurrence, the petitioner and the victim girl had love affairs and due to that they had physical contact with each other. Thereafter,



the petitioner refused to marry her. Therefore, the victim girl lodged the complaint before the respondent Police and hence, this case has been registered against the petitioner herein. Now, according to the prosecution, medical examination of the accused and the victim was completed and 164 Cr.P.C statement of the victim girl was also recorded.

6. Therefore, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sathankulam;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 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/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
 - 4 THE SUB INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.1370

ORDER IN
CRL OP(MD) No.1146 of 2018
Date :25/01/2018