



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1402 of 2018

KARTHICKUMAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.757 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.S.KAMESWARAN Advocate

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

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

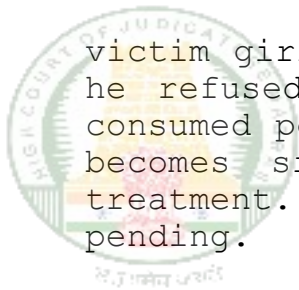
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.11.2017 for the alleged offences punishable under Sections 417, 376, 306 of IPC r/w 116 of IPC., in Crime No.757 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein had developed love affair with the daughter of the defacto complainant. Further, on the false promise to marry her, he had sexual intercourse with her, due to which she became pregnant. Thereafter, the petitioner refused to marry her as a result of which she consumed poison and admitted in the hospital and now taking treatment in the Government Hospital at Madurai. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the earlier bail petition filed before the lower Court was dismissed on 19.01.2018. This is the second bail application.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner is a married man and the victim girl is 24 years old. Further, he stated that the petitioner developed illegal intimacy with the



victim girl after giving false promise to marry her and thereafter, he refused to fulfil the same. For that reason, the victim girl consumed poison. According to the prosecution, now, the victim girl becomes six months pregnant and still in hospital for taking treatment. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner herein after made a false promise, he had sexual intercourse with her, due to which the defacto complainant got pregnant and thereafter the petitioner refused to marry her. So, the victim girl consumed poison and now taking treatment in the Government Hospital at Madurai. Considering the nature of offence committed by the petitioner, no doubt the offence committed by the petitioner is heinous one, however, the petitioner is in judicial custody from 24.11.2017. More over, the petitioner is the first offender. So, considering the above stated reasons and also considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some conditions. 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 No.II, Srivilliputhur, Virudhunagar District;
- (ii) the petitioner shall report before the Karur Town Police Station, daily twice, i.e., at 10.00 a.m., and 05.00 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
30/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER IN CHARGE,
SUB JAIL, SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KAMESWARAN Advocate SR.No.1553

ORDER

IN

CRL OP(MD) No.1402 of 2018

Date :30/01/2018

MKV-PM-PN-SAR 2/30.1.2018/3P-8C