



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.430 of 2018

MUTHUKUMAR @ VINOTH

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN.
IN CR.NO.19/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.WILLIAM CHRISTOPHER Advocate

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

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

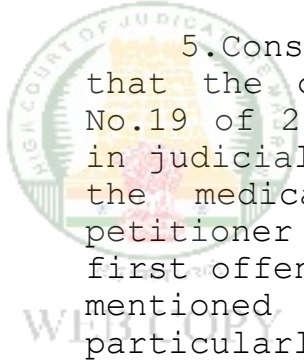
ORDER : The Court Made the following order :-

The petitioner /A1, who was arrested on 04.11.2017 for the offences punishable under Sections 376 and 506(i) I.P.C., in Crime No.19 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first petitioner is alleged to have love affair with the defacto complainant and promised to marry her and had physical relationship with the defacto complainant, subsequently, the first petitioner refused to marry her, due to which, Accused Nos. 2 to 5 are alleged to have threatened the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence. He further submitted that totally five accused in this case and the rank of the petitioner is A1, A2 is the mother of the petitioner, A3 is the father, A4 is the brother and A5 is the wife of A4. Accused Nos.2 to 5 were already released on anticipatory bail by the learned Principal Sessions Judge, Madurai. Accordingly, he prays for bail in favour of him.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending and the charge sheet is not filed. He further submitted that other accused were already released on anticipatory bail by the Lower Court.



5. Considering the submissions made on either side, it seems that the offences under Sections 376 and 506(i) I.P.C., in Crime No.19 of 2017, has been registered against the petitioner. He is in judicial custody from 04.11.2017. According to the prosecution, the medical examination of the defacto complainant and the petitioner has been completed. Admittedly, the petitioner is the first offender and he is having permanent residence, in the petition mentioned address. Considering the above said aspects and particularly considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation. Therefore, for the reasons stated above, 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 Additional Mahila Court (Judicial Magistrate Level), Madurai.

(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/-

11/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDGE, THE ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL), MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No.591

ORDER IN

CRL OP(MD) No.430 of 2018

Date :11/01/2018