



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4528 of 2018

CHITHIRAIVEL

... PETITIONER/PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
THOOTHUKUDI DISTRICT.
(IN CR.NO.3 OF 2018)

... RESPONDENT/RESPONDENT/COMPLAINANT

For Petitioner :M/S.S.MANDHIRALINGESWARAN Advocate

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

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

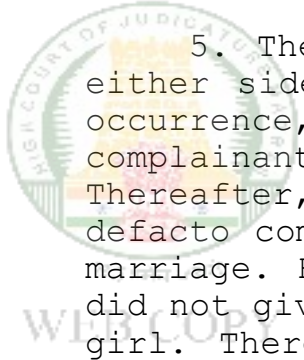
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 11.03.2018 for the alleged offences punishable under Sections 294(b), 417, 376 and 506(ii) of IPC., and Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002, in Crime No.3 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that son of the petitioner fell in love with the defacto complainant for the past four years. At that time, A1 gave false promise to marry the victim girl and had sexual intercourse with her. Thereafter, he failed to keep the promise to marry the victim girl. Hence, the case has been registered for the above said offences.

3.The learned counsel representing 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 petitioner is in judicial custody from 11.03.2018. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that A3 & A4 in this case has already granted with anticipatory bail. According to the prosecution, the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the son of the petitioner fell in love with the defacto complainant and committed the offence of forcible penetration. Thereafter, when the son of the petitioner consented to marry the defacto complainant, the petitioner and his wife tried to avoid the marriage. Hence, the only role played by the petitioner is that he did not give permission to the first accused for marrying the victim girl. Thereby, the offence committed by the petitioner is not so severe in nature. Moreover, the petitioner is in judicial custody from 11.03.2018 to till date. Hence, considering the facts and circumstances, this Court is inclined to grant bail to the petitioner with certain 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.III, Tuticorin;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.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/-
22/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE OFFICER IN CHARGE,
DISTRICT PRISON, THOOTHUKUDI.

4 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MANDHIRALINGESWARAN Advocate SR.No.4551

ORDER

IN

CRL OP(MD) No.4528 of 2018

Date :22/03/2018

MKV-PN-SAR 1/22.3.2018/3P-7C