



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

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5337 of 2018

P. SUBASH

... PETITIONER/ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KALLIDAIKURUCHI POLICE STATION,
KALLIDAIKURUCHI, TIRUNELVELI DISTRICT.
IN CR.NO.25/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SENTHURPANDIAN Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

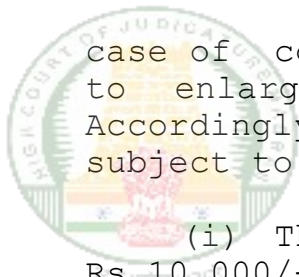
The petitioner was arrested on 21.02.2018 by the respondent police and remanded to judicial custody. The case against him is for the offences punishable under Sections 366, 417 and 376 IPC, in Crime No.25 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 26.01.2018, the petitioner had kidnapped the daughter of the de-facto complainant, aged about 18 years, took her to the secluded place and raped her.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged and due to family dispute, the present case has been foisted against him and he is in judicial custody from 21.02.2018 and therefore, prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) submitted that the victim is aged about 18 years and she was secured and medical reports were not yet received and investigation is not yet completed and he opposed grant of bail to the petitioner.

5.This Court went through the contents of the FIR as well as the statement given by the victim. *Prima facie* it appears to be a



case of consensual relationship. Therefore, this Court is inclined to enlarge the petitioner on bail 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamuthiram.

(ii) The petitioner shall appear before the respondent police as and when required for interrogation.

(iii) The petitioner shall not abscond.

(iv) On breach of any of the aforesaid conditions, 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 learned 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/-

10/04/2018

/ TRUE COPY /

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

SMN2

TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KALLIDAIKURUCHI POLICE STATION,
KALLIDAIKURUCHI, TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI

+1. CC to M/S.P.SENTHURPANDIAN Advocate SR.No.5776

GJM/CM/VR/SAR-I-10.4.18-2P-7C

ORDER

IN

CRL OP(MD) No.5337 of 2018

Date :10/04/2018