



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21813 of 2018

SURIYAPRAKASH

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY

**(*)THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.**

CRIME NO.8/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.PONKARTHIKEYAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 30.09.2018 for the offence punishable under Sections 417, 376, 328 506(i) I.P.C and Section 4 of Women Harassment Act, in Crime No.8 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim fell in love with each other. Due to the avocation, the petitioner went to Dubai. When he returned to India, given a false promise to defacto complainant to marry her, they had physical intercourse. Thereafter, the petitioner went to Malaysia in connection with his employment. However he developed love with the defacto complainant by talking over phone from abroad. After that when he came to India, the defacto complainant went to the petitioner's house and requested him to marry her. At that time, the petitioner and his family members attacked the defacto complainant. Hence the defacto complainant lodged a complaint before the respondent police against the petitioner herein.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.



4. It is now represented that the case has been investigated by the Inspector of Police, All Women Police Station, Thirumayam. Further the other accused persons A2 to A4 got anticipatory bail before this Court in CrI.O.P(MD)No.18536 of 2018.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Court, Thirumayam, Pudukkottai District, and on further condition that:

[a] the petitioner shall report before the respondent police weekly once i.e, every Monday at 10.30.a.m, till the charge sheet came to be filed thereafter, he shall appear before the learned Judicial Magistrate Court, Thirumayam, Pudukkottai District on all hearing dates.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/12/2018

(*) AMENDED AS PEER THE ORDER OF HON'BLE COURT

MADE IN CRL MP(MD)No.10218 OF 2018 IN

CRL OP(MD)No.21813 of 2018 VIDE ORDER

DATED 11.12.2018.

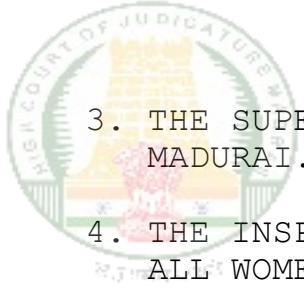
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM,
PUDUKKOTTAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

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

+2. CC to Mr.R.PONKARTHIKEYAN Advocate SR.Nos.23073,23086

ORDER IN
CRL OP(MD) No.21813 of 2018
Date :11/12/2018

MS/PN-AC/SAR-3/11.12.2018/3P.8C