



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.19788 of 2018

PERIYARAJA

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(AWPS),
SIVAKASI, VIRUDHUNAGAR DISTRICT.
CRIME NO.2 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KARUNANIDHI, 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 20.10.2018 for the offence punishable under Sections 417 and 376 of I.P.C., in Crime No.2 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant one Kaleeswari were working at MM Graphics Molding Work at Sasi Nagar, Sithurajapuram. During the time, they had developed love with each other and following the same they had physical contact between them. Due to which, the defacto complainant had become pregnant and she had delivered a female child. The grievance of the defacto complainant is that the petitioner, after having physical contact with her on the promise to marry the defacto complainant and thereafter, the refused to marry her. The petitioner is aged about 19 years old and now at the Borstal School, Melur, Madurai. The defacto complainant also proved that the petitioner is a father of her child.

3. Now the petitioner has filed an affidavit stating that he is taking steps to marry with the defacto complainant and take the new born child as his daughter.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.



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, Sivakasi and on further condition that:

[a] 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]**.

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

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, BORSTAL SCHOOL,
MELUR, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.22699

ORDER

IN

CRL OP(MD) No.19788 of 2018

Date :05/12/2018

MS/PN/SAR-3/05.12.2018/2P.7C