



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

Monday, the Twenty Seventh day of August Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14723 of 2018

RAJAN @ RAJENDRAN

... PETITIONER / ACCUSED - 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KEERIPARAI POLICE STATION, NAGERCOIL,
KANYKUMARI DISTRICT,
IN CRIME NO. 40 OF 1996

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.SATHISHKUMAR Advocate

For Respondent : V.NEELAKANDAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and in judicial custody since 20.07.2018 for the offences punishable under Sections 366, 376 read with 109 of I.P.C., in Crime No.40 of 1996, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.10.1996, at about 10.30 a.m., while the defacto complainant was going to draw water to her home, the petitioner and another forcibly dragged her to the first accused's home and without her consent, on compulsion raped her. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit already charge has been filed as against the accused persons and as against the first accused, the learned Additional Sessions Judge had taken cognizance in S.C.No.222 of 1999 and the same was ended in acquittal on 19.07.2002. Since, the petitioner/A2 absconded, his case has been split up and the same was pending in P.R.C.No.70 of 1999 and non bailable warrant has been issued against the petitioner. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 20.07.2018. He would further submit that the petitioner has not involved in any crime and a false case has been foisted as against the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police opposes the bail application stating that if the petitioner released on bail, again, he will abscond from the clutches of law.

5.Considering the facts and circumstances of the case, 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 No.I, Nagercoil.

(ii) the petitioner shall appear before the Court concerned daily at 10.30 a.m. until further orders.

sd/-
27/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,NAGERCOIL.
 - 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE
KEERIPARAI POLICE STATION, NAGERCOIL,
KANYKUMARI DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL,NAGERCOIL.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.SATHISHKUMAR Advocate SR.No.16144

ORDER
IN
CRL OP(MD) No.14723 of 2018
Date :27/08/2018

MV:PN:SAR2:27/08/18/2P/7C