



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Fifth day of October Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17828 of 2018

WEB COPY

SUBRAMANIAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
IN CRIME NO.16 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MUTHUPANDI Advocate
For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

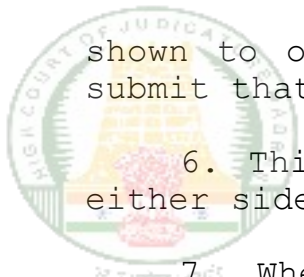
The petitioner is in judicial custody since 25.07.2018 for the offence punishable under Sections 450,376,420 and 506(ii) of IPC, in Crime No.16 of 2018 on the file of the respondent police. He Seeks bail.

2. The case of the prosecution is that the petitioner was running auto consultancy. The victim girl was working in the said auto consultancy. At that point of time, the petitioner is said to have made sexual advances against the victim girl. Ultimately the petitioner is said to have forcibly taken the victim girl and committed rape. Complaint has been given by the victim girl which resulted in registering the First Information Report.

3. The learned counsel for the petitioner would submit that the petitioner is a married man. The petitioner and the victim girl had relationship. Therefore the victim girl has given false complaint against this petitioner . He would further submit that the petitioner is in custody for more than 70 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that 164 Statement has been taken from the victim before the learned Magistrate. The same was also submitted before this Court.

5. It is seen from the statement that the victim girl was forced to have a sexual intercourse with the petitioner since the petitioner had threatened her stating that he had photos and videos of their intimacy and if she resists the same it will be



shown to others . The learned Additional Public Prosecutor would submit that the victim is now eight months pregnant.

6. This Court has carefully considered the submission made on either sides.

7. When a question was posed by this Court as to whether police has seized any mobile phone belonging to the petitioner, the police who was present in the court stated that no mobile phone was seized from the petitioner. Unfortunately in this case seizure of the mobile phone would have been a very important piece of evidence for the prosecution and the same has not been done by the investigating officer. Now the victim girl is also pregnant and a 8 months child inside the womb. No useful purpose will be served by keeping this petitioner in jail.

8. Hence, this Court deems it fit to grant bail to the petitioner by imposing stringent 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, Srivaikundam, Thoothukudi District.

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

sd/-

05/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE, DISTRICT JAIL,
ALWAR THIRUNAGARI, THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.P.MUTHUPANDI Advocate SR.No.18982

ORDER IN

CRL OP(MD) No.17828 of 2018

Date :05/10/2018