



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.18255 of 2018

M.RAMESH

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
AWPS., VILATHIKULAM,
THOOTHUKUDI DISTRICT.
CRIME NO.10 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.RAJIV RUFUS Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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 13.09.2018 for the offence punishable under Section 376 and 506(i) of IPC in Crime No.10 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 are relatives. On 18.05.2018 and 23.06.2018, the petitioner is said to have physical relationship with the defacto complainant on the pretext that the petitioner will marry her. Later, the petitioner refused to marry the defacto complainant, since she is elder than the petitioner. Hence a complaint has been registered in Crime No.10 of 2018 before the respondent police after four months. The petitioner was arrested on 14.09.2018.

3.The learned counsel for the petitioner submitted that admittedly the petitioner and defacto complainant are relatives. The defacto complainant on her own will and wish, had physical relationship with the petitioner and the petitioner had never forced



4. The learned Government Advocate submitted that since the petitioner is younger than the defacto complainant and to resist the family problems, the petitioner refused to get marry the defacto complainant.

5. It is seen that the relationship between the petitioner and the defacto complainant was a consensual one. Both are major and the petitioner is working as Assistant in an Union Office and there was no forcible physical act. Further, in this case, medical examination has been completed and the statement of the defacto complainant under Section 164 of Cr.P.C., has also been recorded.

6. Since, major part of the investigation is over and also considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and this Court is inclined to grant bail to the petitioner.

7. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Villathikulam, Thoothukudi District, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am until further orders.

[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].

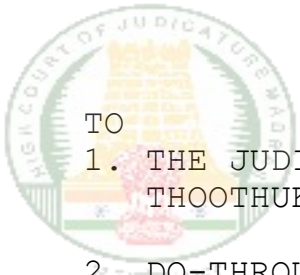
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
AWPS., VILATHIKULAM, THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE, PERURANI PRISON,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.RAJIV RUFUS Advocate SR.No.21620

ORDER
IN
CRL OP (MD) No.18255 of 2018
Date :15/11/2018

MS/MMS/SAR-1/15.11.2018/2P.7C