



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1822 of 2019

VANNIYARAJ

... PETITIONER / ACCUSED No.A2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
Crime No.13/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PRABU 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, who was arrested and remanded to judicial custody since 14.12.2018 for the offence punishable under Sections 376 (D) @ 376 IPC in Crime No.13 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the friend of the defacto complainant's father and that he used to visit her house and the petitioner is said to have raped the defacto complainant and due to the same, the defacto complainant has become pregnant. When the defacto complainant requested the petitioner to marry her, he refused the same, for which she preferred a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to co-operate for conducting DNA test.

4.The learned Government Advocate (Crl.Side) would submit that investigation is pending.



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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kovilpatti and on further condition that:

(a) the sureties shall affix his photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall co-operate with the investigation conducting by the Law Enforcing Agency and the also co-operate with the DNA test;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I,
KOVILPATTI.

2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.M.PRABU Advocate SR.No.2971

ORDER

IN

CRL OP (MD) No.1822 of 2019

Date :13/02/2019

TK/PN/SAR-1/13.02.2019/3P/7C