



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

Thursday, the Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5146 of 2019

MARIYAPPAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO. 71 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.PONKARTHIKEYAN 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 :-

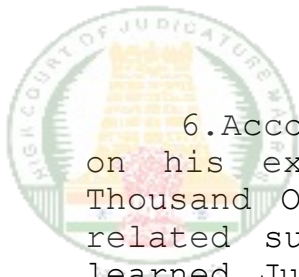
The petitioner, who was arrested and remanded to judicial custody since 06.03.2019 for the offence punishable under Sections 450, 354 (A), (1) (i), 376 r/w 511 of IPC in Cr.No.71 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a married lady and having 3 sons. While she was sleeping in front of her house, the accused person has attempted to rape the defacto complainant. Hence, this complaint.

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 would further submit that they are also relatives. Hence he prayed for bail.

4.The learned Government Advocate (Crl. Side) would submit that since the petitioner and the defacto complainant are also relatives, this Court may consider the bail application of the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the aunt and the defacto complainant are relatives, 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, Orathanadu, Thanjavur District 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 not tamper with evidence or witness either during investigation or trial;

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

(e) 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]**; and;

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

sd/-

04/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, PATTUKKOTTAI.

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



+1 CC to M/s.R.PONKARTHIKEYAN, Advocate SR-6135

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ORDER

IN

CRL OP (MD) No.5146 of 2019

Date :04/04/2019

JM/MMS/SAR 2/04.04.2019/3P/7C