



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6262 of 2019

ALAGURAJA

... PETITIONER /1ST ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
Crime No.110 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.LENIN KUMAR 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 25.03.2019 for the offences punishable under Sections 376,323 and 506(i) of IPC in Crime No.110 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner son and the defacto complainant loved each other. On false promise of marrying the defacto complainant, the petitioner had sexual intercourse with her and thereafter refused to marry her. Thereafter when the defacto complainant reported the same to the petitioner abused the defacto complainant in filthy language and threatened with dire consequences. Hence the complaint.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions he would submit that he is ready to marry the defacto complainant after coming out of jail and to that extent he has filed an affidavit. The relevant para(5) is extracted here under:

<https://hcservices.ecourts.gov.in/hcservices/> I submit that in this connection on 25.03.2019, I was arrested and remanded to judicial



custody. During incarceration in jail, I realized my mistakes and thereby decided to marry the complainant. I will marry the complainant within two months from the date if I am released on bail. Hence I hereby undertake to marry the complainant. I humbly pray this Hon'ble Court to accept this affidavit and grant relief as prayed for in the above petition;".

Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the state would submit that co-accused in this case as granted anticipatory bail. He would also submit that in view of the undertaking given by the petitioner in the affidavit, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that co-accused was released on anticipatory bail and considering the undertaking given by 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, Melur and on further condition that:

(a) the petitioner is directed to comply with the undertaking given him, failing which the bail granted shall stand vacated automatically;

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

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

(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 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;



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

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sd/-
29/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MELUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
 4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.LENIN KUMAR Advocate SR.No.7701

ORDER
IN
CRL OP(MD) No.6262 of 2019
Date :29/04/2019

TK/MMS/SAR-2/29.04.2019/3P/7C