

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7565 of 2019

G.SENTHILRAJA, ... PETITIONER / ACCUSED No.A1

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.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The Petitioner, who is arrayed as accused No.1, was arrested and remanded to judicial custody on 25.04.2019 for the offence punishable under Section 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 both the petitioner and the defacto complainant fell on love each other and he raped her without her consent. Thus, on complaint, a case has been registered against the Petitioner for the above said offences.

3.The learned counsel appearing for the Petitioner submitted that the Petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the Petitioner is in judicial custody from 25.04.2019. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State fairly conceded that substantial portion of investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6.As per the averments made in the First Information Report, the alleged offence committed by the petitioner had happened only after getting consent from the victim girl. Hence, considering the facts and other circumstances of the case and also considering the period of incarceration, this Court is inclined to enlarge the Petitioner on bail subject to some 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kovilpatti;

(ii)the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(iii)the Petitioner shall stay at Karur and report before the Inspector of Police, Karur Police Station, Karur, daily at 10.00 a.m., until further orders;

(iv)the Petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trail and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(vi)on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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

4. THE INSPECTOR OF POLICE,
KARUR POLICE STATION,
KARUR.

5. THE SUPERINTENDENT,
CENTRAL PRISON PALAYAMKOTTAI JAIL AT
TIRUNELVELI.

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

+1 CC to MR.M.PRABU, Advocate (SR-8813[I] dated 29/05/2019)

ORDER
IN

CRL OP(MD) No.7565 of 2019
Date :29/05/2019

Myr/ta

AE/VR/SAR-IV (30.05.2019) 3P 8C

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