



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7827 of 2019

Krishnaveni

... Petitioner/Accused No.3

Vs

State Rep.By

The Inspector of Police,,

All Women Police Station,

Thallakulam, Madurai.

Crime No.16/2019.

... Respondent/Complainant

For Petitioner : M/s.M.U.Shameem John,
Advocate.

For Respondent : M/s.M. Anantha Devi,
Govt.Advocate (Crl.Side).

For Intervener : Mr.A.RAJA MOHAMED, Advocate

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

ORDER : The Court Made the following order :-

This petition has been filed by the Petitioner/Accused-3 seeking bail for the alleged offence under Sections 417, 376 and 506(I) of IPC.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is the sister of Accused No.1. He further submitted that as per the First Information Report, the accused No.1 and the defacto complainant fell in love and the accused No.1, by giving false promise that he will marry her, had sexual relationship with her. He further submitted that the petitioner is in no way connected with the said love affairs between the accused No.1 and the defacto complainant. He further submitted that he came to know that now the accused No.1 and the defacto complainant/victim have compromised the matter and the accused No.1 agreed to marry the victim. He further submitted that the petitioner was arrested and remanded to the judicial custody on 15.05.2019 and for the past 21 days she is in custody. Therefore, he prayed for bail to the petitioner.



4. The defacto complainant has filed a intervener application in S.R.No.16890 of 2019 and also appeared in person and filed an affidavit stating that she has entered compromise with the accused No.1 and he assured that he will marry her immediately after he comes out from the prison and the other accused/family members also expressed their consent for their marriage and hence she has no objection for granting bail to the petitioner.

5. The learned Government Advocate(Crl.Side) fairly conceded that after remanding the petitioner herein, the accused No.1 has entered compromise with the victim and he prepared to marry her and the other family members also have not raised any objection for their marriage. She further fairly conceded that the accused No.2 was already released on bail.

6. Taking into consideration of the fact that even as per the First Information Report, it is only the accused No.1 who gave false promise and had sexual relationship with the defacto complainant and also taking into consideration of the subsequent developments that the accused No.1 is willing to marry the defacto complainant and the defacto complainant has filed an affidavit stating that she has no objection for granting bail to the petitioner and also considering the fact that the petitioner is in custody from 15.05.2019, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Madurai.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

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

sd/-

07/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN,
MADURAI.
 4. THE INSPECTOR OF POLICE,,
ALL WOMEN POLICE STATION, THALLAKULAM, MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.U.SHAMEEM JOHN Advocate SR.No.9243

ORDER

IN

CRL OP(MD) No.7827 of 2019

Date :07/06/2019

MS/VR/SAR-3/07.06.2019/3P.7C