



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8497 of 2019

Vinoth Kumar

... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai.
Crime No.16/2019.

... Respondent/Complainant

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

For Respondent : V. Neelakandan,
Additional Public Prosecutor

For intervenor : Mr.A.Raja Mohammed, Advocate

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

PRAYER :-

For Bail in Crime No.16/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No. 1 seeking bail for the alleged offence under Sections 417,376 and 506 (i) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner herein and the defacto complainant loved each other and the petitioner herein by giving false promise that he will marry her, had sexual relationship with her and thereafter refused to marry her. He would also submit that the petitioner is ready to marry the defacto complainant and the matter is now compromised. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 21.05.2019 and he is in custody for the past 28 days. Therefore he prayed to grant bail to the petitioner.



4. The learned counsel for the intervenor/defacto complainant would submit that the matter has been compromised and the petitioner herein after coming out from jail, he will marry the defacto complainant.

5. Today when the matter is taken up for hearing the defacto complainant appeared in person and stated that she has no objection for allowing this petition. Her statement is also recorded.

6. The learned Additional Public Prosecutor would submit that petitioner herein and the defacto complainant loved each other and the petitioner herein by giving false promise that he will marry her, had sexual relationship with her and thereafter refused to marry her. Hence he strongly opposed to grant bail to the petitioner. However, he fairly conceded that the matter has been settled and now the petitioner is ready to marry the defacto complainant.

7. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 28 days and also considering the fact that the matter has been settled and also considering the statement given by the defacto complainant and also considering the fact the petitioner is ready to marry the defacto complainant, this Court is inclined to grant bail to the petitioner 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/-

19/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
3. THE SUPERINTENDENT, CENTRAL PRISON,
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 M/S.MU.SHAMEEM JOHN Advocate SR.No.9978

ORDER

IN

CRL OP (MD) No.8497 of 2019

Date :19/06/2019

MS/VR/SAR-3/19.06.2019/3P.7C