



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

Monday, the Twenty Fourth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8522 of 2019

VIJAYAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
(CRIME NO. 3 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKRISHNAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

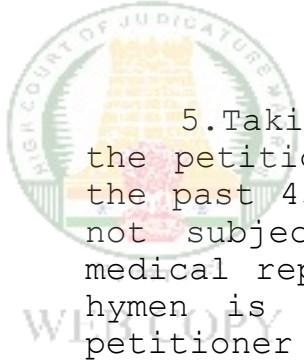
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 376(2) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 11.05.2019 and he is in custody for the past 43 days. He further submitted that though the petitioner was arrested and remanded to judicial custody on 11.05.2019 he was not subjected to medical examination with regard to his potentiality. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner herein committed rape on the sister of the defacto complainant, who is mentally retarded. Hence he strongly opposed to grant bail to the petitioner.



5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 43 days and also the fact that the petitioner herein was not subjected to medical examination and also on perusing the medical report of the victim from the CD file, it is seen that the hymen is intact, 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, Thuraiyur.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.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 trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

sd/-

24/06/2019

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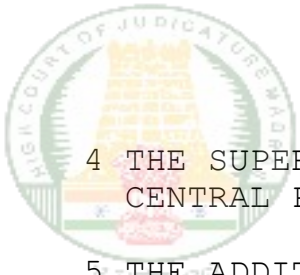
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-10306[I] dated
24/06/2019)

ORDER
IN
CRL OP(MD) No.8522 of 2019
Date :24/06/2019

JM/VR/SAR 2/24.06.2019/3P/7C