



WEB COPY

CRL OP(MD). No.11962 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11962 of 2019

Manikandan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District,
Crime No.14 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.Anandha Raja Gopal,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 14 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by Sole Accused seeking bail for the alleged offence punishable under Sections 376 & 511 of IPC, in Crime No.14 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, on 20.07.2019, when the victim girl went to the open place for attending her natural call, the petitioner attempted to rape her. He further submitted that the petitioner is in judicial custody from 20.07.2019. He further submitted that by this time, the investigation might have been completed, and therefore, he prayed to grant bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent has submitted that when the victim girl went to the open place for attending her natural call, the petitioner attempted to rape her. He further submitted that the victim girl was not sent for medical examination and the investigation is not yet completed and hence, he strongly opposed this petition. However, he fairly conceded that the petitioner is not having any bad antecedent.

5.Taking into consideration of the fact that the victim girl was not sent for medical examination and also the fact that the petitioner is in custody from 20.07.2019 and also the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi.

[[b]the petitioner shall report before the respondent police daily at 10.00.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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

sd/-
29/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
 4. THE OFFICER INCHARGE, SUB JAIL,
PUDUKKOTTAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/s.S.Anandha Raja Gopal, Advocate SR.No.14330

ORDER

IN

CRL OP(MD) No.11962 of 2019

Date :29/08/2019

MS/VR/SAR-1/29.08.2019/3P.7C