



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4155 of 2020

SHIEK MAIDEEN

... PETITIONER/2ND ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT
CRIME NO.11/2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Thangapandian,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

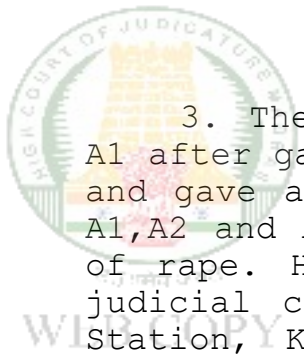
PRAYER :-

for bail in Crime No.11 of 2018 on the file of the respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ second accused seeking bail for the alleged offence punishable under Sections 366 and 376 of IPC @ 366, 376(2)(J), 376(2)(m), 376(2)(m), 376(D) of IPC.

2. The learned counsel for the petitioner would submit that other two accused persons have already been granted bail. First Information Report and the statement of the victim girl implicated only A1 and there is no allegation against this petitioner. He would also submit that A1 and A3 were granted bail after change of investigation on stringent condition and the petitioner also undertake to abide by any conditions imposed by this Court. Since he is custody for more than 430 days, he may be granted bail to
services@judis.gov.in



3. The learned Additional Public Prosecutor would submit that A1 after gaining confidence of the victim girl took her to the house and gave apple juice with sedative and when she was unconscious A1, A2 and A3 had carnal relationship with her and committed crime of rape. Hence the accused persons were arrested and remanded to judicial custody. Pending investigation by the All Women Police Station, Kumbakonam the Division Bench of this Court took the letter of the victim as *suo motu* writ petition and ordered change of investigating agency and presently CBCID, Trichy has taken up investigation .

4. Considering the submission made by the learned counsel for the petitioner and the learned Additional Public Prosecutor and taking note of the fact that the petitioner is in custody for past 430 days, this Court is inclined to grant bail to the petitioner by imposing conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam.

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the Deputy Superintendent of Police, CBCID, Trichy daily at 10.30 a.m until further orders.

[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/-
05/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, TRICHY.

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

+1 CC to M/s.M.THANGAPANDIAN, Advocate (SR-4816[I] dated 05/03/2020
)

ORDER

IN

CRL OP(MD) No.4155 of 2020

Date :05/03/2020

AAV

JM/PN/SAR 3/05.03.2020/3P/8C