



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5393 of 2020

S.MOHANRAJ

... PETITIONER/ACCUSED NO.1/
ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
(CRIME.NO.439 OF 2020).

... RESPONDENT/COMPLAINANT/
COMPLAINANT

For Petitioner : M/s.C.Senthil Murugan,
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.439 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 25.06.2019 for the offences punishable under sections 302, 376 & 511 of I.P.C., in Crime No.439 of 2020 on the file of the respondent police. He seeks bail.

3.The petitioner herein facing trial for the offence of rape-cum-murder. According to the prosecution, in a drunken mood, this petitioner along with another person, has committed rape on a lady by name, Shanthi @ Sulochana. When she resisted, fearing that she



The occurrence have taken place on 21.06.2019. Pending investigation, Act 14 of 1982 has slapped against the petitioner, which was later came to be quashed by this Court on 20.03.2020.

4.The learned counsel for the petitioner would submit that the investigation has been completed and final report has also been filed and the matter is ready for trial before the Fast Track Mahila Court, Theni. The petitioner, who is under detention for the past 11 months, seeks bail.

5.The learned Additional Public Prosecutor opposed the bail petition on the ground that if the petitioner released on bail, there is likelihood of tampering witnesses.

6.Considering the rival submissions of the learned counsel on either side and taking note of the fact that the investigation has been completed and the petitioner is in prison for 11 months, to afford him an opportunity to defend his case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly the petitioner is ordered to be released on bail on executing bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) and the petitioner shall furnish with two sureties for likesum to the satisfaction of the Fast Track Mahila Court, Theni and on further condition that,

i)the petitioner shall report before the Fast Track Mahila Court, Theni on every Monday at 10.30 a.m., and shall attend the trial regularly, without fail.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2020

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



TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, THENI.

2 THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

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

ORDER

IN

CRL OP(MD) No.5393 of 2020

Date :26/05/2020

GNS

JM/PN/SAR 2/26.05.2020/3P/5C