



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.6054 of 2020

Periyasamy ... Petitioner/Accused No.2

Vs.

The State,
Rep.by the Inspector of Police,
All Woman P.S, Thirumayam,
Pudukkottai District.
Crime No.3/2020.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu
for Mr.A.S.Vaigunth, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

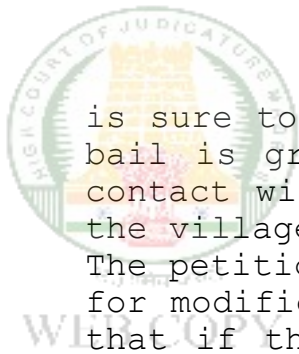
PRAYER :- For Bail in Crime No.3 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is in custody since 02.04.2020 for the offences under Sections 376(i), 354 and 506(i) of IPC in Crime No.3 of 2020 on the file of the All Women Police Station, Thirumayam, Pudukkottai District. He seeks bail.

3.I went through the contents of the FIR. Even though serious allegations have been made against the petitioner herein, the petitioner's counsel would claim that it was basically a love affair which had a physical element and that it was opposed by the girl's father. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose. At the same time, if the petitioner once again comes in contact with the victim girl, it



is sure to produce a sense of insecurity in her family. Therefore, bail is granted on condition that the petitioner will not come in contact with the victim girl. The petitioner will stay away from the village in question for a period of four more months from today. The petitioner's counsel gives an undertaking that he will not apply for modification or relaxation of this condition. I make it clear that if this condition is breached, I will not hesitate to cancel the bail now granted to the petitioner.

4. Subject to the above said condition, the petitioner is ordered to be released on bail on the following further conditions ;

[a] The petitioner shall be released on his own bond by the magistrate without insisting on sureties. However, the petitioner is directed to execute 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 learned Judicial Magistrate, Thirumayam after the concerned court is reopened.

[b] the petitioner shall report before the respondent police for interrogation, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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].

sd/-
11/06/2020

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
ALL WOMAN P.S, THIRUMAYAM, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6054 of 2020

Date :11/06/2020

MS/PN/SAR-2/11.06.2020/3P.6C