



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

Date : 12/06/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP (MD) . No.6156 of 2020

Sivakumar

... Petitioner/Sole Accused

Vs

State rep by

The Inspector of Police,

All Women Police Station Lalgudi,

Cr.No. 10 of 2020 Trichy District. ... Respondent/Complainant

For Petitioner : M/s.M.Arumugam,
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. 10 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 Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to Judicial Custody on 18.05.2020 for the offences punishable under sections 417, 420 and 376(ii) of I.P.C in Crime No.10 of 2020 on the file of the respondent police. He Seeks bail.

3. The case of the prosecution is that the petitioner, who is a married man, had intimacy with a blind spinster woman and also made her pregnant.

4. The learned counsel for the petitioner submitted that petitioner undertakes that he will pay a sum of Rs.50,000/- up-front to the victim and also pay a sum of Rs.5,000/- per month from next month onwards. The petitioner further undertakes that he will continue to pay the monthly amount to the victim till the trial in this case gets over.

5. Recording the undertaking given by the petitioner, I am inclined to grant bail tot he petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;



(i) the petitioner is directed to take a Demand Draft for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) in favour of the victim girl to come out on bail.

(ii) the petitioner shall be released on 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, Lalgudi, after the concerned Court is reopened.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner is directed to pay (from next month) a sum of Rs.5,000/- (Rupees Five Thousand Only) per month to the victim girl. Even if the petitioner gets acquittal in the criminal case, he will not be entitled to recover the amount paid to the victim girl.

(iv) on breach of any of the aforesaid conditions, the 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 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/-
12.06.2020

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

PM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Lalgudi.

<https://hcservices.ecourts.gov.in/hcservices/>
2. Do through the Chief Judicial Magistrate,
Tiruchirappalli



3. The Superintendent, Central Prison, Trichy.

4. The Inspector of Police,
All Women Police Station Lalgudi,
Trichy District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6156 of 2020

Date : 12/06/2020

VB SKN SAR3 (15.06.2020) 3P 6C