



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7515 of 2020

K.Ramki

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
Crime No.748/2020

... Respondent/Complainant

For Petitioner : M/s.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

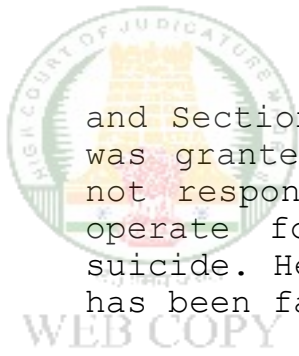
For Bail in Crime No.748 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A1 herein was arrested and remanded to judicial custody on 08.07.2020 for the alleged offences under Sections 305 of IPC and Section 4 of TNPHW Act

2. The deceased in this case is the paternal aunt daughter of the petitioner herein. The case of the prosecution is that the petitioner was in love with the victim and on false promise he had sexual intercourse with the deceased due to which she was six months pregnant, when the victim asked the petitioner to marry her, he refused to marry and also threatened and criminally intimidated her. Hence she committed suicide. Based on the complaint given by the parents of the victim the present case has been registered.

3. The learned counsel for the petitioner would submit that earlier a criminal case was registered against this petitioner for the offences under Sections 3(a), 4, 5(j)(ii), 6 of POCSO Act, 2012



and Sections 294(b), 506(i) of IPC in Crime No.10 of 2020, where he was granted anticipatory bail and he would also submit that he is not responsible pregnancy of the deceased and he is ready to co-operate for DNA test and at that time the deceased committed suicide. He would also submit that the petitioner is innocent and he has been falsely implicated in the above case.

4. The learned Government Advocate (Crl.Side) would submit that earlier a criminal case was registered against this petitioner for the offences under Sections 3(a), 4, 5(j)(ii), 6 of POCSO Act, 2012 and Sections 294(b), 506(i) of IPC in Crime No.10 of 2020, where he was granted anticipatory bail and on false promise he had sexual intercourse with the deceased. Thereafter the deceased requested the petitioner herein to marry her, since he refused she committed suicide. He would also submit that investigation is pending in both the cases. He would also submit that earlier the deceased has given a statement under Section 161(3) Cr.P.C wherein she has stated that the petitioner herein is responsible for her pregnancy. He would also submit that foetus is preserved in the lab for testing.

5. It is seen from the records the earlier case in Crime No. 10 of 2020 is pending investigation in which the petitioner was granted anticipatory bail, subsequently the deceased committed suicide.

6. It is the contention of the petitioner that he is not responsible for the pregnancy of the deceased and he is always ready and willing to undergo DNA test.

7. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. 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, Manaparai

i) 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

ii) the petitioner shall report before the respondent police once in a week on every Monday at 10.30 a.m until further orders and further directed to co-operate for DNA test to be conducted by the respondent police.

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



iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-

05/08/2020

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

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, MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
LALGUDI, TRICHY.
4. THE INSPECTOR OF POLICE,
VAIYAMPATTY POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7515 of 2020

Date : 05/08/2020

MS/JC/SAR-2/05.08.2020/3P.6C