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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8255 of 2020

KANNAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT
CRIME NO.10 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.Baalasundharam,
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.10 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner /sole accused herein was arrested and remanded to judicial custody on 18.07.2020 for the alleged offences under Sections 294(b), 376(1), 417 and 506(ii) of IPC.

2. The case of the prosecution is that on false promise the petitioner herein had sexual intercourse with the defacto complainant several times and thereafter left India went to Dubai for employment, and returned to India six months prior to the complaint. When he was in Dubai he contacted the defacto complainant over phone and when he returned back to India the defacto complainant requested the petitioner herein to marry her and once again the petitioner herein promised to marry her, had sexual intercourse with her and thereafter refused to marry her. Hence the



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that he left India for his employment during the year 2015 to Dubai and now only he returned back to India. He would also submit that with a intention to harass the petitioner a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that on false promise of marrying the defacto complainant the petitioner herein had sexual intercourse with the defacto complainant several times and thereafter cheated her.

5.Perused the materials available on records. From the records available it is seen that earlier the petitioner and the victim girl had sexual intercourse several time and thereafter the petitioner went to Dubai for his employment when he returned back to India, the defacto complainant is said to requested him to marry her and when he refused this case has been filed against him.

6. 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:

7.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, Aranthangi, Pudukottai District.

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 as and when required for interrogation.

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/-
12/08/2020

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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,
ARANTHANGI, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8255 of 2020
Date :12/08/2020

AAV
JM/VR/SAR 2/12.08.2020/3P/6C