



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9848 of 2020

Raja

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Musiri All Women Police Station,
Trichy District.
(Crime No.4 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Suresh,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 31.08.2020 for the alleged offences under Sections 417,420,506(i) of IPC @ 376(i) and 506(i) of IPC

2. The case of the prosecution is that earlier the petitioner was in love with the defacto complainant and on promise to marry her the petitioner herein had sexual intercourse with her, due to which the defacto complainant become pregnant and later refused to marry him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner herein was in love with the defacto complainant and even now he is ready to marry her and now the defacto complainant is only refusing to marry him. He would submit that in order to take revenge against the petitioner the defacto complainant has filed a false complaint.



4. The learned Government Advocate(Criminal Side) would submit the petitioner was in love with the defacto complainant and on promise of marrying her had sexual intercourse with her and she also become pregnant and later it was aborted. Since the petitioner herein refused to marry the defacto complainant the present complaint has been filed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein is ready to marry the defacto complainant and she is only refusing to marry the petitioner and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, Musiri, Trichy 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/-
18/09/2020

/ TRUE COPY /

/ /2020

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,
MUSIRI,
TRICHY DISTRICT.
 2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
 4. THE INSPECTOR OF POLICE,
MUSIRI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.M.SURESH, Advocate (SR.No.6502[I] dated 18/09/2020)

ORDER
IN
CRL OP(MD) No.9848 of 2020
Date :18/09/2020

AAV
SRS/ PN/ SAR-II/ 18.09.2020/ 3P/7C