



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

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11958 of 2020

Rumanith Vijay

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.1052/2020

... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy,
Advocate.

For Respondent : Mr.R.Saravanakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1052 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 26.09.2020 for the offences punishable under Sections 366 of IPC @ 366, 147, 341, 354 and 506(ii) of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The defacto complainant in this case is the father of one Chandralekha/Victim. The case of the prosecution is that the A1 in this case had love affair with Chandralekha and outraged her modesty and also criminally intimidated her. Hence the complaint.

3.The learned counsel for the petitioner would submit that A1 and the victim are major and they both loved each other. He would also submit that the petitioner is a law college student and he has been falsely implicated in this case. He would also submit that the petitioner is in jail for more than 25 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there is no previous criminal case pending against the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the fact that no previous criminal case is pending against the petitioner, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti

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 daily at 5.30 pm., until further orders.

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/-
22/10/2020

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE JUDICIAL MAGISTRATE NO II, KOVILPATTI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11958 of 2020
Date : 22/10/2020

AAV/TM
TK/AKM/SAR.3/23.10.2020/3P/6C