



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

Date : 04/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12364 of 2020

Muthukumar

... Petitioner/A1

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.
(Crime No.7 of 2020). ... Respondent/Complainant

For Petitioner : M/s.R.S.Sivaram,
Advocate.

For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

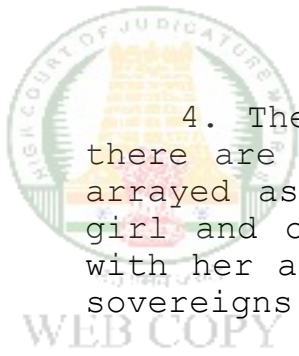
PRAYER :- For bail in Crime No. 7 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Sections 417 and 376 of IPC, in Crime No. 7 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein fell in love with the victim girl and on the pretext of marrying her he had sexual intercourse with her and subsequently refused to marry her and also demanded 60 sovereigns of gold jewels to marry the victim girl.

3.The learned counsel for the petitioner would submit that this is the second bail application. The first bail application was dismissed by this Court by an order dated 08.10.2020. Now the petitioner is ready and willing to marry the victim girl and undertakes to register their marriage immediately after coming out



4. The learned Government Advocate(Crl.Side) would submit that there are totally 4 accused in this case. The petitioner herein is arrayed as A1. The petitioner herein fell in love with the victim girl and on the pretext of marrying her he had sexual intercourse with her and subsequently refused to marry her and also demanded 60 sovereigns of gold jewels to marry the victim girl.

5. On perusal of the statement recorded under Section 164 Cr.P.C revealed that if the petitioner marries her, she would withdraw the complaint. Now the petitioner is willing to register the marriage and undertakes to live with her.

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, subject to the following conditions

[a] the parents of the petitioner shall file an undertaking affidavit to marry the victim girl with the petitioner herein and also give no objection for marrying the victim girl.

[b] On receipt of such affidavit, the petitioner shall 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, Nilakottai, Dindigul.

[c] the petitioner shall marry the victim girl and produce the marriage certificate before the respondent police on or before 30.11.2020 and if the petitioner fails to register the marriage the respondent police is directed to secure the petitioner herein and proceed in accordance with law.

[d] 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

[e] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation

[f] the petitioner shall not tamper with evidence or witness.

[g] the petitioner shall not abscond during trial.

[h] 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/11/2020

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/ /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,
NILAKOTTAI, DINDIGUL.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL DISTRICT.
- 4 THE SUPERINTENDENT,
DISTRICT JAIL, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12364 of 2020

Date :04/11/2020

DSS

JM/PN/SAR II/04.11.2020/3P/6C