



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

Date : 11/01/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.319 of 2021

1. Vijay
2. Laxmi
3. Muthaiah

... Petitioners/Accused No.1,2,4

- Vs-

State Rep.by
The Inspector of Police,
Athanakottai Police Station,
Pudukottai District.
Crime No.198/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Ramu, Advocate.

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

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

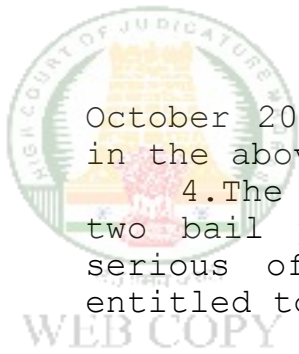
PRAYER :- For Bail in Crime No.198/2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 and A4, who were arrested and remanded to judicial custody on 12.10.2020 for the offences punishable under Sections 312, 313, 314, 506(i) of IPC on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first accused and the deceased were on love and they had a physical relationship, due to which she became pregnant, that since, the first accused and his family members had refused for marriage, a police complaint was lodged, that thereafter, the first accused had married the deceased and taken her to matrimonial home and that the deceased was compelled and harassed by all the accused to abort her six month pregnancy.

3.The learned counsel for the petitioners would contend that A-2 and A-4 are the parents of the first accused and they have nothing to do with the alleged offence that the deceased was taken to her parent's home and she was remaining in her parent's home till



October 2020 and that the petitioners have been falsely implicated in the above case.

4.The learned Government Advocate(Crl.Side) would submit that two bail petitions were dismissed by this Court and that since serious offences are alleged against the accused, they are not entitled to get the relief of claimed.

5.Nodoubt the petitioners' earlier applications in Crl.O.P.(MD) No.14038 of 2020 was ordered to be dismissed as withdrawn on 07.12.2020 and the second application in Crl.O.P.(MD)No.15333 of 2020 was ordered to be dismissed on merits on 21.12.2020.

6.Considering the above facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 12.10.2020 and that the investigation is almost over as stated by the prosecution, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pudukkottai.

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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
11/01/2021

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/ /2021

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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
PUDUKKOTTAI.
4. THE SUPERINTENDENT, CENTRAL PRISON (WOMEN) ,
TRICHIRAPALLI.
5. THE INSPECTOR OF POLICE,
ATHANAKOTTAI POLICE STATION, PUDUKOTTAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.319 of 2021
Date :11/01/2021

SJI

MS/PN/SAR-2/11.01.2021/3P.7C