



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

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4150 of 2021

Satheesh

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
All Women Police Station, Colachel,
Kanyakumari District.
Crime No.36/2020.

... Respondent/Complainant

For Petitioner : Mr.V.M.Balamohan Thampi,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 36/2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 13.02.2021 for the offences punishable under Sections 417, 376, 294(b) and 506(ii) of IPC in Crime No.36 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were in love with each other and the petitioner on the false promise of marrying her had sexual relationship with her on 15.08.2019 and their relationship continued. During the month of September, October and November he had sexual relationship with her several times and when she asked him to marry her he refused to marry her and also threatened her with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A1 and the co-accused namely A2 and A3 were granted anticipatory bail by this Court on 16.02.2021 in Crl.O.P(MD) No. 92 of 2021.



4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that investigation in this case is almost completed and the medical examination is over.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is almost completed and co-accused in this case were already granted anticipatory bail by this Court and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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, Kuzhithurai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

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

sd/-
08/04/2021

/ TRUE COPY /

/ /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.II, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.M.BALA MOHAN THAMBI, Advocate (SR-2983[I] dated 08/04/2021)

ORDER

IN

CRL OP(MD) No.4150 of 2021

Date :08/04/2021

AAV

MS/JC/SAR-2/08.04.2021/3P.7C