



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR  
CRL OP(MD) . No.4480 of 2021

WEB COPY

Mohammed Faruk

... Petitioner/1<sup>st</sup> Accused

Vs

The State rep.by,  
The Inspector of Police,  
All Women Police Station,  
Cantonment,  
Tiruchirapalli District  
Crime. No. 6/2021..

... Respondent/Complainant

Eram

... Petitioner/Intervener/De-facto Complainant

For Petitioner : M/s.Jameel Arasu.B.,  
Advocate.

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

For Intervenor : Mr.V.Purushothaman

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

PRAYER :-

For Bail in Cr.No.6 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 12.03.2021 for the offences punishable under Sections 406, 417, 420 and 376 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner has committed penetrative sexual assault over the period of time upon the defacto complainant and by breach of trust on misappropriating 100 sovereigns of jewels and amount of Rs.20,00,000/- .

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in jail from 12.03.2021 and hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that the investigation in this case is in progress.

5.Considering the rival submissions and the perusal of materials, it is seen the petitioner has been arrested in this case on 12.03.2021. Earlier to this, one Parveen had been filed complaint with similar allegation in Crime No.13 of 2020, on 28.03.2020, in which, the petitioner was arrested and let out on bail. It is seen that the defacto complainant herein is A3 in that case (Crime No.13 of 2020), where, she along with the petitioner herein said to have involved in that offence. The defacto complainant in Crime No.13 of 2020 is one Parveen, who is none other than the brother's wife of the petitioner. The defacto complainant aged about 36 years, who is aware about the happenings and she lodged a complaint for offence which is said to have been taken place in the year 2010 and she had submitted herself to the wishers of the petitioner, arrested the first accused on the compulsion of the other two accused, who is A2 and A3 herein and her jewels of 100 sovereigns taken away and Rs.20,00,000/- in cash had been misappropriated seems to be exaggerated. The delay in lodging the complaint no reason is given. Further, the petitioner and the defacto complainant are close relatives.

6.Considering the above facts and circumstances of the case, 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 blood sureties each for a like sum to the satisfaction of the learned Additional Mahila Court, 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

(I) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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 were breached 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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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 ADDITIONAL MAHILA JUDGE,  
TRICHY DISTRICT.
- 2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, CANTONMENT,  
TIRUCHIRAPALLI DISTRICT
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4480 of 2021

Date :31/03/2021

NR/VR/SAR-III(31.03.2021) 3P:5C