



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

Date : 07/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5080 of 2021

Arun Kumar

...Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srirengam,
Tiruchirapalli City,
Tiruchirapalli District.
Crime No.2 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.
For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

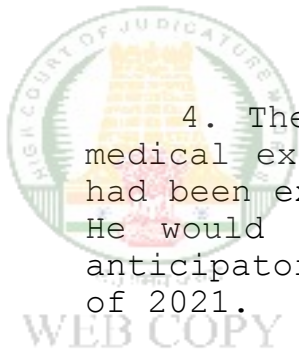
PRAYER :- For Bail in crime No. 2/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 24.01.2021 for the offence punishable under Section 376(1),294(b),323, 506(i) of IPC in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 in this case had love affair with the defacto complainant, who is aged about 23 years old and on false promise of marrying her had physical relationship with the defacto complainant, and thereafter, refused to marry her

3. The learned counsel for the petitioner would submit that the petitioner and the victim loved each other. Except that the petitioner is disputing the charges levelled against him. He would also submit that co-accused in this case were granted anticipatory bail by this Court on 03.02.2021 in CrI.O.P(MD) No.1382 of 2021.



4. The learned Government Advocate(Crl.Side) would submit that medical examination in this case is over and most of the witnesses had been examined and infact the investigation is almost completed. He would also submit that co-accused in this case were granted anticipatory bail by this Court on 03.02.2021 in Crl.O.P(MD) No.1382 of 2021.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is almost completed and also the fact that co-accused in this case were 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/Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District 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., for a period of two weeks and thereafter as and when required for interrogation.

[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/-
07/04/2021

/ 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/
ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRENGAM,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-2947[I] dated
07/04/2021)

ORDER

IN

CRL OP(MD) No.5080 of 2021

Date :07/04/2021

AAV

MS/VR/SAR-1/07.04.2021/3P.7C