



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5222 of 2021

Rajasekaran

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Crime No. 6/2021.

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian.K.S.,
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.6/2021 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 21.02.2021 for the offences punishable under Sections 417,376,294(b), 506(ii), 109 of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2. The case of the prosecution is that the first accused was in love with the defacto complainant and on false promise of marrying her he had sexual relationship with her and subsequently instead of marrying the defacto complainant he had married one Kalaiselvi @ Krishnarani, hence the case came to be registered.

3.The learned counsel for the petitioner would submit that the co-accused in this case were granted anticipatory bail by this Court and the investigation is almost over. He would also submit that the petitioner is in jail for more than 40 days, hence he may



4. The learned Government Advocate(Crl.Side) appearing for the respondent concedes the fact that investigation is completed. He would also submit that the final report has been filed before the concerned Court on 11.03.2021.

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5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is 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 Additional Mahila Court, Sivagangai 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/-

16/04/2021

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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.

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1 THE JUDGE,
ADDITIONAL MAHILA COURT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI.

3 THE OFFICER INCHARGE,
TIRUPATHUR, SIVAGANGAI.

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

+1 CC to M/s.K.S.DURAI PANDIAN, Advocate (SR-3121[I] dated
16/04/2021)

ORDER
IN
CRL OP(MD) No.5222 of 2021
Date :16/04/2021

AAV
JM/PN/SAR I/16.04.2021/3P/6C