



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

Date : 29/04/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.6154 of 2021

Sivagurunathan

... Petitioner/Accused No.1

Vs

The State rep. by  
The Inspector of Police,  
All Women Police Station,  
Sirvilliputtur,  
Virudhunagar District.  
Crime No. 3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan basha,  
Advocate for M/s.Ajmal Associates  
For Respondent : Mr.KR.Bharathi Kannan,  
Government Advocate (Criminal Side)

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

**PRAYER :-**

For Bail in Crime No.03 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 20.02.2021 for the offence punishable under Sections 417, 376 and 506 (i) of IPC in Crime No.3 of 2021 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.It is seen from the submissions made that this case has been registered under Sections 417, 376 and 506 (i) of IPC in Crime No.3 of 2021 on the complaint given by the defacto complainant that the petitioner, on the promise of marrying the victim girl, had sexually intercourse with her. Hence, the complaint.

4.When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the elders of both the family of the petitioner and the victim girl, have settled the dispute now. The petitioner and the victim girl are going to marry. The defacto complainant/victim girl, namely, Rajeswari filed an affidavit along with this petition.



5.A perusal of the affidavit shows that the petitioner agreed to marry the defacto complainant and she does not want prosecute the criminal case further. The defacto complainant has no objection for releasing the petitioner on bail.

6.Taking note of the fact that the petitioner is in judicial custody from 20.02.2021, the substantial part of the investigating is over and recording the affidavit of the defacto complainant, this Court is inclined to grant bail to the petitioner.

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 sureties, each for a like sum to the satisfaction of the Additional Mahila Court, Srivilliputtur, and on further conditions that:

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

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., 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/-  
29/04/2021

/ 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.

TO

1. THE ADDITIONAL MAHILA JUDGE,  
SRIVILLIPUTHUR.
2. THE OFFICER INCHARGE,  
SUB JAIL,  
VIRUDHUNAGAR.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
SIRVILLIPUTHUR,  
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.6154 of 2021  
Date :29/04/2021

SM  
JM/VR/SAR-IV/29.04.2021/3P/5C