



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6564 of 2021

Vijay ... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Papanasam All Women Police Station,
Thanjavur District.
(Cr.No.4 of 2021)

... Respondent/Complainant

For Petitione : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.A.Robinson
Government Advocate (Crl. side)

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

PRAYER :-

For bail in Crime No. 04 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 13.04.2021 for the offences punishable under Sections 417 and 376 of I.P.C., in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were studying in the same college and they were loved each other for the past five years. The petitioner has made a false promise of marriage to the defacto complainant and had physical relationship with the defacto complainant. After, the petitioner has refused to marry the defacto complainant. Hence, the present complaint lodged against the petitioner.

3.The learned counsel for the petitioner submits that the petitioner is not guilty of any offence and he has been falsely implicated. He would further submit that a false case has been foisted against him.



4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that the investigation is pending.

5.Taking into consideration the facts and circumstances of the case 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 District Munsif cum Judicial Magistrate, Papanasam, Thanjavur 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 every Monday 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/-
05.05.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

kmm/sji

TO



2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3. THE SUPERINTENDENT,
CENTRAL PRISON, THIRUCHIRAPPALLI.

4. THE INSPECTOR OF POLICE,
PAPANASAM ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP (MD) No.6564 of 2021

Date : 05/05/2021

VB VR SAR I (05/05/2021) 3P / 6C