



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

The Hon'ble Mr. Justice K.MURALI SHANKAR

CRL OP (MD) No.6973 of 2021

Venkatesh

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District,
Crime No. 7/2021.

... Respondent/Complainant

For Petitioner : Mr.Senthilkumar.B.,
Advocate.

For Respondent : M.Muthumanickam,
Government Advocate (Crl.Side)

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

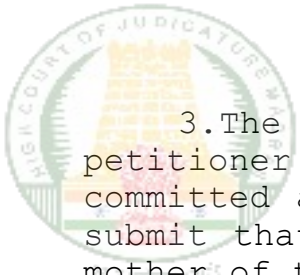
PRAYER :-

For Bail in Cr.No. 7 of 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 26.04.2021 for the offences punishable under Sections 417, 376 and 506(i) IPC in crime No.7 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, who is B.A., B.Ed., graduate, were fell in love with each other from 19.09.2016 onwards and on promise of marrying her, the petitioner had physical relationship with her and thereafter, he refused to marry her. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would also submit that this Court granted anticipatory bail to A2, who is the mother of the petitioner herein, vide order dated 06.05.2021 made in CrI.O.P.(MD)No.6525 of 2021. He would also submit that the petitioner is in jail from 26.04.2021 and hence, he may be granted bail.

4.The learned Government Advocate(CrI.Side) would submit that it is a case of love affair and the investigation in this case is pending.

5.Considering the fact that it is a case of love affair between the petitioner and the defacto complainant and also the fact that the defacto complainant is a B.A., B.Ed. graduate and considering the period of incarceration and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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, Srivilliputhur.

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

ii)the petitioner shall report before the respondent police as and when required.

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

iv)the petitioner shall not abscond during trial.

v)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].



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

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sd/-
26/05/2021

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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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6973 of 2021
Date :26/05/2021

GNS
TE/PN/SAR-III : 26/05/2021 : 3P/6C