



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11187 of 2021

M.Suresh Kumar

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.176 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.176 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 31.07.2021, for the offences punishable under Sections 366, 294(b), 307 and 506 (ii) of IPC, in Crime No.176 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was married to one Ponmanikandan in the year 2013 and due to the wedlock, she had a 7-year old son. Due to some misunderstanding, she was separated from her husband and she is living along with her parents for the past three years. The petitioner is working as a Senior Executive Officer in Indigo Airlines at Thoothukudi Airport. On 30.07.2021 at 5.00 p.m. when the defacto complainant went to her



relative house, the petitioner came in a Car and waylaid the defacto complainant and compelled her to get into the car. He took her in the car towards Tirunelveli and thereafter, he parked the car at Thamirabarani Bridge and compelled her to marry him. When the defacto complainant refused the same, the petitioner tried to push her down into Thamirabarani river by holding her neck at the edge of the bridge. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the respondent Police. The learned counsel for the petitioner has also filed a photograph in the typed set of papers, which shows that the defacto complainant moved with the petitioner very closely and foisted this false complaint to achieve certain object.

4. The learned Government Advocate (Crl. Side) submitted that no one has been injured in this case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the fact that no one has been injured in this case and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. 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, Srivaikundam and on further conditions 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 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/-
11/08/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAIAKUNDAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, PERURANI,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11187 of 2021
Date :11/08/2021

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USK/VR/SAR-I : 11/08/2021 : 3P/6C