



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

Date : 12/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11267 of 2021

Karthi

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Pandanallur Police Station,
Thanajvur District.
Crime No.714 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
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.714 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 21.06.2021 for the offences under Sections 376 r/w 511 I.P.C, in Crime.No. 714 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is aged about 26 years and the victim is aged about 18 years. On 04.02.2021 at about 3.00 p.m when the defacto complainant was returning to her house, the petitioner has taken her to a nearby sugarcane field and attempted to rape her. Immediately, the defacto complainant has beaten the petitioner and escaped from the scene of occurrence. After the occurrence, the petitioner left the village and returned to the village on 20.06.2021. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in jail from 21.06.2021, hence he may be granted bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting bail and would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that the complaint has been lodged after four months from the date of occurrence and that too with an averment of attempt to rape and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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, Thiruvidadaimaruthur 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-

12/08/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.

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

3. THE OFFICER INCHARGE, SUB JAIL, PUDUKKOTTAI.

4. THE INSPECTOR OF POLICE,
PANDANALLUR POLICE STATION, THANAJVUR DISTRICT.

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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-5367[I] dated 12/08/2021

ORDER

IN

CRL OP(MD) No.11267 of 2021

Date :12/08/2021

MSA

MS/PN/SAR-2/12.08.2021/3P.7C