



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11808 of 2021

Perumal ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
Crime No.14 of 2021. ... Respondent/Complainant

For Petitioner : Mr.V.Vilma Raxy,
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.14 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 20.07.2021 for the offences punishable under Sections 450, 376(2)(n) and 417 IPC in Crime No.14 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a widow and having one female child aged about 12 years. The petitioner and the defacto complainant are neighbours. By taking advantage of the defacto complainant's poverty, the petitioner gave a false promise of marriage and impregnated her. When she informed the same to the petitioner, he refused to marry her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim are close relatives. The petitioner is a married man and having three children. The petitioner is an innocent and he has been falsely implicated in this case. Therefore, he prayed for grant of bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed.

5.It appears that the de-facto complainant is a widow and having a child aged about 12 years old. When the petitioner being a married man, having a wife and three children, the version of the victim that believing his words that he would marry her, she had physical relationship with him, raises doubt.

6.In view of the above and considering the status and age of the parties and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Vedasanthoor, Dindigul District, 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/-
19/08/2021

/ 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 JUDICIAL MAGISTRATE,
VEDASANTHOOR, DINDIGUL DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
VADAMADURAI ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.VILMA REXY, Advocate (SR-5550[I] dated 19/08/2021)

ORDER

IN

CRL OP(MD) No.11808 of 2021

Date :19/08/2021

SJI/OGY

MK/VR/SAR.III/19.08.2021/3P/7C