



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.12169 of 2021

GANESHKUMAR

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY

THE INSPECTOR OF POLICE,

ELAYIRAMPANNAI POLICE STATION

VIRUDHUNAGAR DISTRICT

(CRIME NO.99 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.MANIANANDH P,
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.99 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 26.06.2021 for the offences under Sections 376, 511 and 506(i) I.P.C, in Crime.No. 99 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.06.2021 at about 4.30 p.m, when the defacto complainant was returning to her house, the petitioner dragged her hand and attempted to rape her. Immediately, the defacto complainant has escaped from the scene of occurrence. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a daily wage employee. Six months prior to the date of occurrence, the petitioner resided adjacent to the defacto complainant's house and at that time, there was some dispute between the petitioner's family and the defacto complainant. Due to that motive, the defacto complainant foisted a false case against



this petitioner. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he is in jail from 26.06.2021 and hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed the grant of bail to this petitioner on the ground that the final report is yet to be filed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also 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 Judicial Magistrate No.I, Sattur 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.

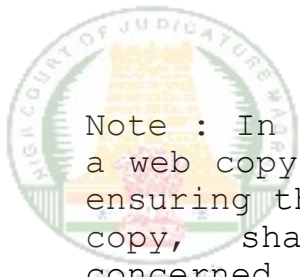
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
25/08/2021

/ 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.

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TO

1. THE JUDICIAL MAGISTRATE NO.I
SATTUR
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE SUPERINTENDENT,
CENTRAL PRISON
MADURAI
4. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION
VIRUDHUNAGAR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.12169 of 2021

Date : 25/08/2021

GC/PN/SAR-II/25/08/2021/3P/6C