



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12555 of 2021

Maharajan

... Petitioner/Accused-1

Vs

The State rep.by
The Inspector of Police,
Kadampur All Women Police Station
Thoothukudi District
Crime No.2 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.MOORTHY,
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.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 06.08.2021 for the offences punishable under Sections 417, 376, 306, 511, 294(b) and 506(ii) I.P.C in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that this petitioner had physical relationship with the defacto complainant by promising to marry her and thereafter, he refused to marry the defacto complainant. When the defacto complainant requested the petitioner to marry her, the petitioner abused the defacto complainant in filthy language and also criminally intimidated her, for which, the defacto complainant attempted to commit suicide by immolating herself. Hence, the case.



3.The learned counsel for the petitioner would submit that the defacto complainant/victim is aged about 23 years and the petitioner is aged about 21 years. The defacto complainant's brother assaulted the petitioner in the year 2020, for which, the petitioner lodged a complaint as against the defacto complainant's brother, on that motive, the present complaint has been lodged. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, he is inside the prison from 06.08.2021 and hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioner and the defacto complainant loved each other. The petitioner had physical relationship with the defacto complainant by promising that he would marry her. Thereafter, the petitioner refused to marry the defacto complainant. Hence, the defacto complainant attempted to commit suicide on 10.07.2021 subsequently, she was admitted in the hospital and on 28.07.2021 she was discharged from the hospital. Thereafter, the present complaint has been lodged. He would further submit that the final report is yet to be filed.

5.Taking into consideration of the facts and circumstances of the case, the age of the petitioner as well as the defacto complainant 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, Kovilpatti, Thoothukudi 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 Aadhaar card or bank pass book to ensure their identity.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the 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/-
01/09/2021

WEB COPY

/ 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 NO.I
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
KADAMPUR ALL WOMEN POLICE STATION
THOOTHUKUDI DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12555 of 2021
Date :01/09/2021

SA/VR/SAR.4/01.09.2021/3P/6C