



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

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13030 of 2021

PALANIVEL ... PETITIONER/SOLE ACCUSED

VS

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MUSIRI POLICE STATION
TIRUCHIRAPPALLI DISTRICT
(CRIME NO.314 OF 2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.ILAYARAJA R,
ADVOCATE.
FOR RESPONDENT : MR.T.SENTHILKUMAR
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

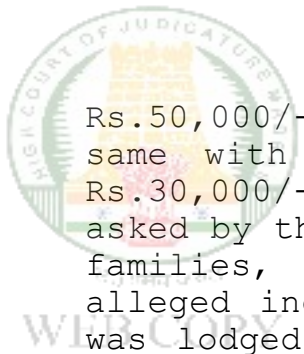
For Bail in Crime No.314 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 26.07.2021 for the offence under Section 376 in Crime.No. 314 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.07.2021 at about 8.00 p.m, the petitioner herein went to the defacto complainant's house and enquired about the mobile number of her son Subramani and after some conversation, he switched off the electricity and forcibly had sexual intercourse with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the husband of the defacto complainant has borrowed a sum of



Rs.50,000/- from the father of this petitioner agreeing to repay the same with interest. The defacto complainant has paid a sum of Rs.30,000/- and she did not pay the remaining due. When the same was asked by the petitioner's family, there was an animosity between the families, which resulted in lodging of the present F.I.R. The alleged incident had taken place on 22.07.2021, but the complaint was lodged only on 25.07.2021. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, he is in jail from 26.07.2021 and hence, he seeks for grant of bail.

4.The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5.Though this Court, in the earlier occasion, directed the respondent police to produce the medical certificate of the defacto complainant and also directed to ascertain whether the defacto complainant has sustained any injury, the respondent police has not produced any medical certificate so far.

6.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the act of the respondent police and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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, Musiri and on further condition 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 petitioners 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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/09/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa/ogy

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
MUSIRI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI
- 4.THE INSPECTOR OF POLICE
MUSIRI POLICE STATION
TIRUCHIRAPPALLI DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.ILAYARAJA R ADVOCATE SR.NO.6105 DATED:09.09.2021.

ORDER
IN
CRL OP(MD) No.13030 of 2021
Date :09/09/2021

GC/SKN/SAR-IV(09.09.2021) 3P 7C