



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16214 of 2021

Tamilselvan : Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
Crime No.12 of 2021.

: Respondent/Complainant

For Petitioner : M/s.Rajeswari, A.S.
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.12 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.10.2021 for the offence punishable under Sections 294(b) 417 and 506(i) IPC and 4 of TNPHW Act altered into 294(b), 417, 506(i), 376 IPC and Section 4 of TNPHW Act, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant loved each other and by giving false promise, the petitioner had sexual intercourse with her. Now the petitioner refused to marry the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner by giving false promise to marry the defacto complainant, had physical relationship with her and made her pregnant and that subsequently, the defacto



complainant gave birth to a child and that samples for DNA test were taken on 01.10.2021 and the report is awaited.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 14.09.2021, that substantial portion of investigation has already been completed and that the petitioner is not having any previous case for serious offences as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner, subject to the conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District Munsif cum Judicial Magistrate, karaikudi, Sivagangai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the trial Court daily at 10.30 a.m., untill further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/11/2021

/ 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



TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-8343[I] dated 22/11/2021)

ORDER

IN

CRL OP(MD) No.16214 of 2021

Date :22/11/2021

DAS

MS/VR/SAR-1/22.11.2021/3P.7C