



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.16873 of 2021

Bharatlal ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Sivagangai District.
Cr.No. 19 of 2021. ... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

For Intervenor : Ms.Benazir Begum

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

PRAYER :-

For Bail in Crime No.19 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 06.08.2021 for the offence under Sections 354B, 354C, 328, 376 and 509 IPC, in Crime No.19 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner with an ill intention gave juice to the defacto complainant and she become unconscious after consuming the juice. At that time the petitioner forcibly had sexual intercourse with her and also he took photo and video. By sending the pictures, the petitioner used to have intercourse with the defacto complainant and consequent to that, she become pregnant. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he has no antecedent. He further submitted that the petitioner would co-operate with the investigation agency for DNA test or any other test. Since the petitioner is inside the prison from 09.08.2021, he prays for grant of bail.

4.The learned counsel appearing for the intervener submits that apart from this case, there are many cases pending against the petitioner and medical test has to be done.

5.The learned Additional Public Prosecutor appearing for the respondent police submits that the investigation is not yet completed. He further submits that blood sample has to be taken from the petitioner and medical examination has to be done.

6.This Court has perused the First Information Report and is, *prima facie*, satisfied with the grounds raised by the petitioner for the grant of bail. It also appears that the victim is aged about 21 years.

7.Considering the age of the victim, the period of incarceration, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall co-operate with the investigating agency for the DNA Test or any other test as proposed by them.

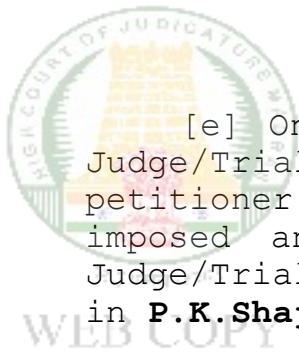
8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Fast Track Mahila Court, Sivagangai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 and 5.30 p.m until further orders. The petitioner is also directed to co-operate with the investigating agency for the Tests proposed by them, including DNA Test.

[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 Judge/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 Judge/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/-
01/11/2021

/ 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 concerned.

PNM/OGY

TO

- 1.THE JUDICIAL MAGISTRATE,
ADDITIONAL FAST TRACK MAHILA COURT,
SIVAGANGAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM.
- 4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-7748[I] dated 01/11/2021)

ORDER
IN
CRL OP (MD) No.16873 of 2021
Date : 01/11/2021