



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

Date : 25/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18161 of 2021

S.Muthukumar, ... Petitioner/sole Accused

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Tirunelveli.
Cr.No.1/2020.

... Respondent/Complainant

For Petitioner : M/s. Thalaimutharasu.G,
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. 1 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.12.2020 for the offence punishable under Sections 417, 376, 294 (b), 506 (ii) of IPC and Section 4 (1) of Tamil Nadu Prevention of Women Harassment Act, in Crime No.1 of 2020, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant by giving false promise that he will marry her and when she got pregnant, he refused to marry her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the crime. Hence, he seeks bail.

<https://hcmv.cerpts.org.in/ecservices/>



4.The learned Additional Public Prosecutor appearing for the respondent would submit that charge sheet has been filed and the same was taken on file in S.C.No.206 of 2021 and the same is pending before the learned Mahila Court, Tirunelveli, for trial.

5.It is seen from the records that in Crl.OP(MD)No.11624 of 2020, this Court directed the petitioner herein, to register the marriage with the defacto complainant and produce their marriage certificate before the respondent police, on or before 04.12.2020, failing which, the bail granted to the first petitioner shall stand cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with law. The petitioner has not complied with the order of this Court and he surrendered before the respondent police, on 29.12.2020 and was remanded to judicial custody.

6.Considering the nature of the offence alleged by the prosecution and considering the fact that the petitioner is in judicial custody from 29.12.2020, that charge sheet has been filed and was taken on file and that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Principal Sessions Court, Tirunelveli.

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 until 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/-
25/11/2021

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

dss

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 Principal Sessions Court,
Tirunelveli.
2. The Judge, Mahila Court, Tirunelveli.
- 3 The Superintendent,
The Central Prison, Palayamkottai.
4. The Inspector of Police,
All Women Police Station,
Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.18161 of 2021
Date : 25/11/2021

TR/VR/SAR-IV(25.11.2021) 3P 6C