



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8386 of 2022

Nithya @ Mano Nithya

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.54 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.54 of 2022, on the file of the respondent Police.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the offences punishable under Sections 376, 354(d)(2), 506(ii) and 109 of IPC in Crime No.54 of 2022, on the file of the respondent police, seeks bail.

2.The F.I.R indicates that the defacto complainant, who is 30 years old lady and has completed the teacher training course, was enticed by this petitioner and on her instruction, the accused had committed forceful sexual intercourse on the defacto complainant. Section 164 of Cr.P.C. statement of the victim lady was recorded on 31.03.2022.



3. Learned Additional Public Prosecutor appearing for the respondent states that the investigation is almost completed and the Investigating Officer is waiting for the Medical Report.

4. Considering the above fact, this court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsiff Cum Judicial Magistrate, Valapadi.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigating Officer as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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/-
12/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALAPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KARIPATTY POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAJPRABHU Advocate on payment of necessary charges

CRL OP.8386/2022

Date :12/04/2022

JPA 13/04/2022