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Crl.O.P.No.23585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.23585 of 2022

Prabhakaran @ Appaiyan @ Antony

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Karipatty Police Station,
Salem District.

(Crime No.54 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.54 of 2022 on the file of the respondent police.

For Petitioner : Mrs.S.Premakumari

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2022 for the offences punishable under Sections 376, 354(D)(2), 506 (ii) & 109 IPC, in Crime No.54 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that she had been sexually exploited by the accused and the accused had also made a life threat to the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that due to the money dispute between the de-facto complainant and the petitioner, a false case has been given against the petitioner. She would also submit that the main accused A1 has been granted with bail by this Court in Crl.O.P.No.8386 of 2022 vide order dated 12.04.2022. Hence, she seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A2 in this case. He would further submit that the petitioner along with other accused committed sexual intercourse with the de-facto complainant against her will. He would also submit that the co-accused has been granted with bail by this Court and the investigation is almost completed and is awaiting for medical report. However, he oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the co-accused have been granted with bail by this Court, this Court is inclined to grant bail to the petitioner on certain conditions.



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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 District Munsif cum Judicial Magistrate, Valapady, Salem District**, and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner is directed to appear before the respondent police, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[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 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.09.2022

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To

1. The District Munsif cum Judicial Magistrate,
Valapady, Salem District.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The District Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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