



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

Dated: 02/02/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.272 of 2022

WEB COPY

Rajaguru

: Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Railway Police Station,
Srivilliputtur,
Virudhunagar District.
(Crime No.32 of 2019)

: Respondent/Complainant

For Petitioner : Mr.Jothibas.M,
Advocate

For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.32 of 2019 on the file of the Respondent Police.

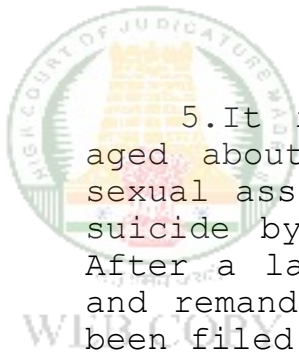
ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested and remanded to judicial custody on 09/11/2021 for the offence punishable under section 174 Cr.P.C @ 306 IPC, in Crime No.32 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02/09/2019, when the deceased went to house warming ceremony of the accused, the accused committed unnatural sex and due to that, he had shame, deprived and then, committed suicide.

3.Heard both sides.

4.During the course of investigation, several attempts have been made by the petitioner to get anticipatory bail, but those petitions came to be dismissed by this court in all occasions, noting the seriousness of the offence as well as the age of the deceased. Later, the accused was arrested and remanded to judicial custody on 09/11/2021.



5.It is very unfortunate to note that the deceased was only aged about 10 years and was harassed, intimidated for unnatural sexual assault by the petitioner. Over that only he was committed suicide by jumping in front of the speeding train on 06/10/2019. After a lapse of two years only, the petitioner has been arrested and remanded to judicial custody. So far no alternation report has been filed with regard to the unnatural sexual offence that has been committed by the petitioner upon the deceased.

6.The learned Government Advocate (Criminal side) would submit that so far final report has not been filled before the concerned court.

7.The only ground on which the petitioner is entitled for bail is statutory, since he is in custody for more than 75 days.

8.Considering above facts and circumstances of the case and also considering the period of incarceration, this court is inclined **to enlarge the petitioner on bail** with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Srivilliputtur and on further condition that the petitioner shall report before the respondent police once in 15 days at 10.00 a.m. until further orders.

sd/-
02/02/2022

/ TRUE COPY /

02/02/2022
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.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
SRIVILLIPUTTUR TALUK,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-601[I] dated 02/02/2022)

ORDER

IN

CRL OP(MD) No.272 of 2022

Date :02/02/2022

RS/PA/SAR.4(02.02.2022) 3P-7C