



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/02/2022
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.1987 of 2022

Tamilselvan @ Sampath

... Petitioner/Sole Accused

Vs.

The State rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai.
Cr.No.30 of 2021.

... Respondent/Complainant

For Petitioner : Mr.KAMESH,N.
Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :- For a Bail in Crime No.30 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 11.12.2021 for the offence punishable under Sections 376(1) and 506(i)IPC, in Crime No.30 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused had sexual intercourse with the *de facto* complainant by giving false promise that he will marry her. Due to that, she got pregnant. But the accused refused to marry her. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner on instructions submitted that the petitioner undertakes that he will co-operate with the respondent police for investigation and also co-operate for DNA test. Hence, he seeks for grant bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application was dismissed by this Court on 29.12.2021 by considering the short period of incarceration.

5.Considering the facts of the case and also considering the above undertaking of the petitioner that the petitioner will co-



operate with the respondent police for investigation and also co-operate for DNA test and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 Principal District & Sessions Judge, Pudukkottai, 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 shall report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

[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 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/-
03/02/2022

/ TRUE COPY /

03/02/2022
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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.



2 THE OFFICER INCHARGE
SUB JAIL, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI.

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

ORDER

IN

CRL OP (MD) No.1987 of 2022

Date :03/02/2022

SA/PN/SAR.1/03.02.2022/3P/5C