



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3810 of 2022

Kalimuthu ... Petitioner/Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.121 of 2021).

... Respondent/Complainant

For Petitioner : Mr.N.Jothivel,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.121 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 18.12.2021 for the offences punishable under Sections 294(b), 355, 323, 307, 376 and 506(ii) IPC, in Crime No.121 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had developed illegal intimacy with the defacto complainant. On knowing the same, the husband of the defacto complainant warned him. Due to that, on 16.12.2021, the petitioner kidnapped the defacto complainant and attempted to rape her and attacked her with knife and caused grievous injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner kidnapped the defacto



complainant and attempted to rape her and when the same was refused by her, the petitioner abused her in filthy language. He would further submit that the investigation is almost completed.

5.No doubt, the petitioner's earlier application was dismissed by this Court.

6.Considering the facts that the petitioner is in judicial custody from 18.12.2021, that the petitioner is not having any bad antecedents and also the fact that the investigation is almost completed as stated by the learned Additional Public Prosecutor, 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 Additional Mahila Court, Srivilliputhur, Virudhunagar District.

(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 stay at Madurai and report before the Thallakulam Police Station, daily at 10.30 am, for a period of 15 days and thereafter, report before the respondent police 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/02/2022

/ TRUE COPY /

24/02/2022

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



TO

1 THE ADDITIONAL MAHILA COURT
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT

2 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.3810 of 2022

Date :24/02/2022

DAS

MK/VR/SAR.IV/24.02.2022/3P/6C