



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.3982 of 2022

WEB COPY

Raju

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
AWPS Fort Police Station
Trichy City.
Cr.No.20 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Illanchezian V,
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.20 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.12.2021 for the offences punishable under Sections 376(2)(m) and 376(2)(k) and 506(1) of IPC, in Crime No.20 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant went to the condolence of her mother's brother in Perambalur and stayed there for further rituals. At that time, the petitioner trespassed into the de-facto complainant's house and raped the sister of the de-facto complainant/victim, who is a disabled person. Hence, the complaint.

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

4.When the matter was taken up for hearing on 01.03.2022, the learned Additional Public Prosecutor submitted that the medical test of the petitioner is yet to be received and the respondent police are taking steps to take the potency test of the petitioner.



5.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the potency test is taken in Chennai.

6.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 23.12.2021 and also the facts that the investigation is almost completed except the receipt of the medical report and that the petitioner is not having any bad antecedents, 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 learned Judicial Magistrate, Additional Mahila Court, Trichirappalli.

(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 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/-
18/03/2022

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
AWPS FORT POLICE STATION,
TRICHY CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-2156[I] dated
18/03/2022)

ORDER
IN
CRL OP(MD) No.3982 of 2022
Date :18/03/2022

USK/PN/SAR-I/18.03.2022/3P/7C