



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4170 of 2022

Sadhishkumar @ Sathishkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thanjavur All Women Police Station,
Thanjavur.
(Cr.No.1/2022) .

... Respondent/Complainant

For Petitioner : Mr.BALUMAHENDRAN.G.
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.02.2022 for the offences punishable under Sections 417 and 506(1) IPC @ Sections 417, 506(1) IPC and Section 67 of IT Act, in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by giving false promise to marry the defacto complainant, had sexual intercourse with her and the petitioner had also taken photos and videos in his mobile phone and threatened her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that previously the complaint lodged by the defacto complainant was enquired into and on 10.12.2021 action was ordered to be dropped and that subsequently within two weeks, the above FIR came to be registered. He would further submit that the petitioner has already handed over his cell phone to the Police, after the case was altered and the offence under Section 67 of IT Act was added. He would also submit that the petitioner is now confined in District Jail, Pudukottai.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the victim is aged 36 years and that the petitioner by giving false promise to marry her, had physical relationship with her and that thereafter, he refused to marry her.

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5.It is seen from the records that the respondent Police after conducting enquiry in the complaint lodged by the defacto complainant, closed the complaint as 'action dropped' and thereafter, on 02.01.2022, the above FIR came to be registered.

6.Considering facts and circumstances of the case and also the fact that the medical examinations were already over, that the investigation is almost completed, except receiving the medical reports as stated by the learned Additional Public Prosecutor and that the petitioner is in judicial custody from 16.02.2022, 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 Magistrate, Additional Mahila Court, Thanjavur.

(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 for a period of thirty days and thereafter, as and when required for interrogation.

(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/-

17/03/2022

/ TRUE COPY /

17/03/2022

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 MAGISTRATE,
ADDITIONAL MAHILA COURT, THANJAVUR
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.M
- 3 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
THANJAVUR ALL WOMEN POLICE STATION,
THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4170 of 2022

Date :17/03/2022

SA/VR/SAR.4/17.03.2022/3P/6C