



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4372 of 2022

Prabhu Pandiyan

... Petitioner/ Sole Accused

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(Crime No.2 of 2022).

... Respondent/ Complainant

For Petitioner : Mr.A.Ramkumar,
Advocate.

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

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

PRAYER :- For Bail in Crime No.2 of 2022 on the file of the Respondent Police.

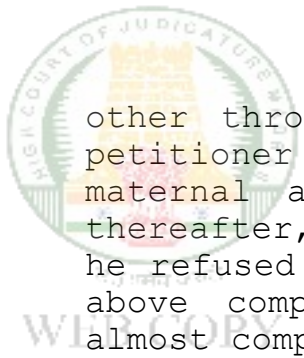
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 11.01.2022 for the offences punishable under Sections 376 and 506(2) IPC, in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed sexual assault on the defacto complainant and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner as well as the defacto complainant had entered into the matrimonial web site, that they became friends and subsequently they were in love. He would further submit that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant after coming to know each



other through matrimonial web site, they were in love, that the petitioner on 29.12.2021 had taken the defacto complainant to his maternal aunty's house and gave milk mixed some substances and thereafter, he had physical relationship with her and subsequently, he refused to marry her and hence, she was constrained to lodge the above complaint. He would further submit that investigation is almost completed except receiving the medical test report.

5.Considering the above facts and also the facts that the petitioner is in judicial custody from 11.01.2022, that investigation is almost completed except receiving the medical test 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:

6.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, Karaikudi, Sivagangai 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 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/-

21/03/2022

/ TRUE COPY /

22/03/2022

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.

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- TO
1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL,
VIRUDHUNAGAR.
 4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.RAMKUMAR, Advocate (SR-2260[I] dated 21/03/2022)

ORDER
IN
CRL OP(MD) No.4372 of 2022
Date :21/03/2022

RS/SBN/SAR-2/22.03.2022/3P.7C