



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6660 of 2022

Sathish Kumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.89 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Sathyam Rajesh Kumar,
Advocate.

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

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

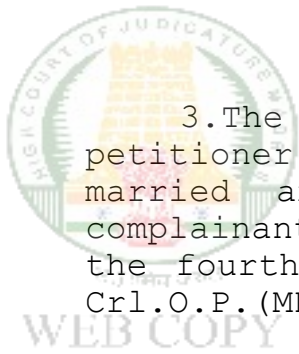
PRAYER :-

For Bail in Crime No.89 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 27.02.2022 for the offences punishable under Sections 294 (b), 323, 343, 313 and 506(1) IPC r/w 4 of TNPHW Act, in Crime No.89 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were in love and the defacto complainant got married to the petitioner without her parents consent and that after marriage, the defacto complainant came to know that the petitioner is not a graduate and not working in Central Government and when the same was questioned by her, the petitioner and other accused abused her in filthy language and also threatened her with dire consequences and also gave a medicine for abortion. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were in love and they got married and thereafter due to misunderstandings, the defacto complainant left the matrimonial home. He would further submit that the fourth accused was granted anticipatory bail by this Court in Crl.O.P.(MD)No.4093 of 2022 vide order dated 15.03.2022.

4.The learned Additional Public Prosecutor would submit that no one was injured in the incident.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 27.02.2022, that no one was injured seriously in the incident, that except the offences under Sections 313 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, that the fourth accused was granted anticipatory bail 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 Additional Mahila Court (Magistrate Level), Karur 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., for a period of one month 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

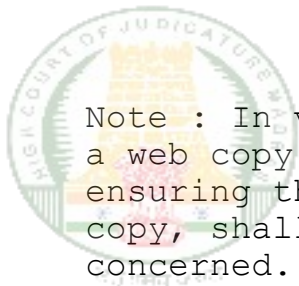
sd/-

11/04/2022

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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 ADDITIONAL MAHILA JUDGE (MAGISTRATE LEVEL),
KARUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6660 of 2022
Date :11/04/2022

RS/VR/SAR.2 (11.04.2022) 3P-6C