



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.7762 of 2022

S.Vimal

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
AWPS - Nilakottai Police Station,
Dindigul District.
Crime No.08 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vivek Kumar M,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

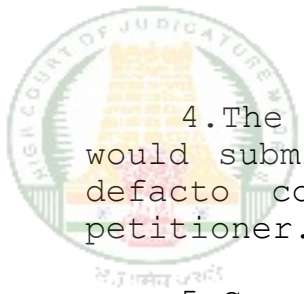
For Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 02.04.2022 for the offences under Sections 417 and 376 IPC in Crime No.08 of 2022, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner had sexual relationship with the defeacto complainant with the assurance to marry her and subsequently, he refused to marry her. Hence, the present complaint has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Further, there is no sexual relationship between the petitioner and the victim girl and they are friends and the petitioner is in prison for nearly 40 days.



4.The learned Additional Public Prosecutor on instructions would submit that the petitioner had sexual relationship with the defacto complainant and he opposed for granting bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration and that on a perusal of the Statement recorded under Section 164 Cr.P.C, there is no sexual allegation between the petitioner and the defacto complainant, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai, and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the **respondent police daily at 10.30 a.m., until further orders;**

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

11/05/2022
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 JUDICIAL MAGISTRATE,
NILAKOTTAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
AWPS - NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER-INCHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1 CC to M/s.M.VIVEK KUMAR, Advocate (SR-4604[I] dated 11/05/2022)

ORDER

IN

CRL OP(MD) No.7762 of 2022

Date :11/05/2022

CM/SSB

USK/PN/SAR-IV/11.05.2022/3P/7C