



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

Date : 20.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10112 of 2022

Karthick @ Mouli Karthick

...Petitioner/Accused No.2

vs.

The State through
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Crime No.1950 of 2021)

... Respondent/Complainant

For Petitioner : Mr.JERIN MATHEW,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor.

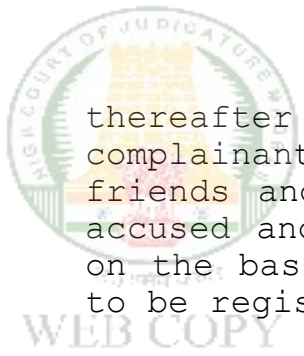
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in S.C.No.67 of 2022 on the file of the learned Principal Sessions Judge, Madurai.

ORDER : The Court made the following order :-

The petitioner/A.2 is facing a case for the offences punishable under Sections 341, 342, 294(b), 323, 354, 307, 376(D), 363 and 366 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, altered into Sections 341, 294(b), 376(D), 366 and 506(2) IPC, in S.C.No.67 of 2022 on the file of the learned Principal Sessions Judge, Madurai, in Crime No.1950 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a divorcee living with her 8 year old daughter, that she has proposed to marry her close relative one Gunasekaran, that on 12.11.2021, when the defacto complainant was returning back to her house in a two wheeler, after giving dinner to the said Gunasekaran, at about 09.30 p.m., both the accused intercepted her and abused her in filthy language and beaten up her with hands, that the defacto complainant immediately called the said Gunasekaran through cell phone, that the said Gunasekaran and his owner came to the spot, that the accused had pushed them down and placing knife on the neck of the defacto complainant forced her to sit in the middle of her two wheeler and had taken to a van, which was, parked near Anna Nagar Shenbaga Thottam Corporation Park, that after removing her dresses, the present petitioner had caught hold of her hands and the other accused by showing knife had committed rape on her and



thereafter the petitioner had committed rape, that when the defacto complainant was shouting for the pain, the said Gunasekaran and his friends and the police came to the occurrence place and taken the accused and the defacto complainant to the police station and that on the basis of the complaint statement given by her, the FIR came to be registered.

3.The case of the petitioner is that the case of the prosecution is not true and it is a concocted story, that the petitioner had not committed any offence as alleged by the prosecution and that the respondent police has foisted the above case falsely implicating the petitioner for the reason best known to them.

4.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 13.11.2021 and is in judicial custody till now, that the petitioner's earlier application for bail was dismissed by this Court in Crl.O.P.(MD)No.6203 of 2022 vide order dated 19.04.2022, that charge sheet has already been filed and the case was taken on file in P.R.C.No.17 of 2022 on the file of the learned Additional Mahila Court, Madurai and that subsequently the case was committed to the Sessions Court.

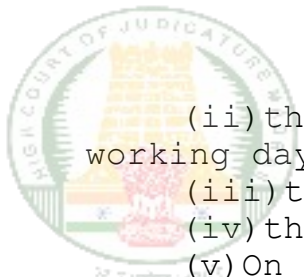
5.The learned Additional Public Prosecutor would submit that after committal, the case was taken on file in S.C.No.67 of 2022 and the same was made over to the Mahila Court and is pending. He would further submit that the petitioner and the first accused are are notorious rowdies, that the first accused is having 18 previous cases including two murder cases, two murder attempt cases and two rape cases and that the petitioner was involved in 7 previous cases and all of them as against the petitioner were disposed of.

6.The learned counsel for the petitioner would further submit that all the previous cases as against the present petitioner were already disposed of, that the petitioner is not having any pending cases and that the petitioner is in judicial custody for more than 6 months.

7.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 13.11.2021, that charge sheet has been laid and the case is pending in S.C.No.67 of 2022 on the file of the Sessions Court and that the petitioner is not having any pending cases, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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, Madurai.

(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



(ii) the petitioner shall report before the trial Court on all working days 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

9. Post the matter on **29.06.2022** for the report of the Superintendent of Prison, Madurai, regarding non-compliance of the interim bail order granted to the petitioner.

sd/-

20/06/2022

/ TRUE COPY /

20/06/2022

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

ADDITIONAL MAHILA COURT, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE PRINCIPAL SESSIONS JUDGE, MADURAI.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI DISTRICT.

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

ORDER IN

CRL OP(MD) No.10112 of 2022

Date : 20/06/2022

SA/VR/SAR.4/20.06.2022/3P/7C

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