



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 13.06.2022  
PRESENT

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

CRL OP(MD). No.10263 of 2022

Vairamuthu

... Petitioner/Accused No.1

**Vs**

State represented by  
The Inspector of Police,  
K.V.Nallur Police Station,  
Tenkasi District.  
(Crime No.49 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.KANAGARAJAN, Advocate  
for Mr.S.MUTHUMALAIRAJA, Advocate.  
For Respondent : Mr.P.KOTTAI CHAMY,  
Government Advocate (Crl. side).

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

**PRAYER :-** For Bail in Crime No.49 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 03.04.2022 for the offences punishable under Sections 406, 294(b), 323 and 506(2) IPC r/w Section 4 of TNPHW Act, altered into Sections 406, 376, 147, 448, 341, 294(b), 352 and 506(2) IPC r/w Section 4 of TNPHW Act, in Crime No.49 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 petitioner by giving false promise to the defacto complainant had sexual intercourse with her several times and also received money and jewelry from her. However, subsequently, the petitioner refused to marry her as well as to return the money and jewelry and also the petitioner and other accused had threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there existed love affair between the petitioner and the defacto complainant and that they had consensual sexual intercourse.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner, by giving false promise to the defacto



complainant, had sexual intercourse with her several times and subsequently refused to marry her and made criminal intimidation. He would further submit that there existed love affair between the petitioner and the defacto complainant earlier.

5. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 03.04.2022, that investigation has already been completed and charge sheet has been filed before the concerned Court as stated by the learned Government Advocate (Criminal Side) and that the petitioner is not having any previous cases for similar offence or serious offence, 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, Sankarankovil, Tenkasi 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
13/06/2022

/ TRUE COPY /

13/06/2022  
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  
SANKARANKOVIL, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT  
CENTRAL PRISON, PALAYAMKOTTAI,  
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,  
K.V.NALLUR POLICE STATION,  
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.MUTHUMALAIRAJA.S Advocate SR.No.5414

**ORDER**

**IN**

CRL OP(MD) No.10263 of 2022

Date :13/06/2022

SA/PN/SAR.1/13.06.2022/3P/7C