



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11537 of 2022

Anbalagan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
Crime No.49/2022.

... Respondent/Complainant

For Petitioner : Mr.V.Thirumal, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.49/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 17.05.2022 for the alleged offence under Sections 450, 354(A)(1)(i), 376, 511 and 506(i) IPC, in Crime No.49 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.05.2022 at night hours, the accused trespassed into the house of the defacto complainant, by removing tiles, pressurised and compelled her to give consent for sexual intercourse and tried to rape her. But, the defacto complainant refused the same and raised an alarm and came out of the house. On hearing the alarm, the accused was warned by her neighbours. At that time, the accused caused criminal intimidation against her. Hence, the case.

3.When the matter is taken up for hearing, the respondent Police appeared before this Court and informed that the accused and the defacto complainant are neighbours. On previous occasion also there was trouble between them and based on the undertaking filed by the accused, that petitioner was closed. Later, this occurrence took place.



4.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to dispute between the parties, repeated complaints had been given by the defacto complainant. The petitioner to show his *bonafide*, he also filed an undertaking affidavit.

5.Considering the facts and circumstances of this case and the undertaking filed by the petitioner and also considering his period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Aruppukottai, and on further condition that the petitioner shall file an undertaking affidavit before the concerned Court that he will not cause any trouble to the defacto complainant. He is directed to stay away from the occurrence place, ie., at Madurai and report before the learned Judicial Magistrate No.1, Madurai daily at 10.30 a.m. until further orders. If there is any violation to the undertaking affidavit filed by the petitioner, the bail granted shall stands automatically cancelled, without further reference to this Court.

sd/-

02/08/2022

/ TRUE COPY /

02/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
M.REDDIAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDICIAL MAGISTRATE NO.1, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- +1 CC to M/s.V.THIRUMAL, Advocate (SR-7987[I] dated 02/08/2022)

ORDER IN

CRL OP(MD) No.11537 of 2022

Date :02/08/2022

MK/PN/SAR.II/02.08.2022/2P/9C

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