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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17167 of 2022

Ranjith @ Ranjith Kumar, ... Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy.
(Crime No.13/2022).

... Respondent/Complainant

For Petitioner :Mr.P.Athimoolapandian, Advocate.

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

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

PRAYER :-

For Bail in Crime No.13/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 21.07.2022 for the offences punishable under Sections 342, 354(B), 354(C), 376(1) and 392 of IPC r/w Section 66 (E) & 67 of Information Technology Act, 2022, in Crime No.13 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.07.2022, the petitioner contacted the defacto complainant through video call and threatened her to come as nude and the defacto complaint has done it. Thereafter, the petitioner threatened the defacto complainant that he was having the screen shot of her obscene photos and the petitioner took her to hotel and forcibly having physical relationship and took two rings from her. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 21.07.2022 and the petitioner shall abide any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there is no previous case pending against the petitioner and the property has been recovered from the petitioner. He would further submit that nine witnesses have been examined in this case so far and the investigation is still pending.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the petitioner is not having any previous case in his credit and the property has been recovered from him and also nine witnesses have been examined, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Additional Mahila Court, Trichy.

(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 absconds, a fresh FIF registered under Section 229A IPC.

sd/-
26/09/2022

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

cp

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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT TRICHY
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, CANTONMENT,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-10494[I] dated 26/09/2022)

ORDER
IN
CRL OP(MD) No.17167 of 2022
Date : 26/09/2022

PKP/GB/SAR-1/27.09.2022/3P/7C