



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022
PRESENT

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

CRL OP(MD). No.18392 of 2022

Neelaraj @ Baguraj

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Dindigul District.
(Crime No.291/2022).

... Respondent/Complainant

For Petitioner : M/s.Manikandan.P,
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.291 of 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 25.08.2022 for the offences punishable under Section 376 and 506(i) of IPC in Crime No.291 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner gave false promise to the defacto complainant that he will arrange a job in Textile Mill. On 13.12.2021, the accused mixed anaesthesia drug in cool drinks and had intercourse with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second bail petition. The defacto complainant had love affair with the petitioner. The petitioner has no knowledge about the marriage of the defacto complainant and she eloped with the petitioner. Subsequently, the husband of the defacto complainant lodged the complaint before the All Women Police Station, Vadamadurai and after enquiry, that complaint was closed. He would further submit that in order to grab money from the petitioner, the



defacto complainant lodged a false complaint against the petitioner. He is an innocent person and he did not commit any offence as alleged by the prosecution and he is in judicial custody from 25.08.2022. Hence, he may be released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the petitioner on the ground that the petitioner mixed anesthesia drug in the cool drink and gave it to the victim and committed the offence of rape, when she was in unconscious state. The petitioner earlier moved an bail petition in CrI.O.P(MD) No. 17251 of 2022 and the same was dismissed on 27.09.2022. He would further submit that the petitioner five witnesses have been examined so far and investigation is not yet completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that the petitioner is in judicial custody from 25.08.2022, 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 Additional District Munsif Cum Judicial Magistrate, Vedsanthur, Dindigul.

(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].

sd/-

18/10/2022

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18/10/2022

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



TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL.

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

3. THE OFFICER-INCHARGE,
DINDIGUL DISTRICT JAIL, DINDIGUL.

4. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.P.MANIKANDAN, Advocate (SR-11592[I] dated 18/10/2022)

ORDER

IN

CRL OP(MD) No.18392 of 2022

Date :18/10/2022

cp

USK/SSS/SAR- /18.10.2022/3P/7C