



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

Date : 31/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19172 of 2022

Masood Ibrahim

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
Crime No.14/2022.

... Respondent/Complainant

For Petitioner : M/s.Rajamanickam S,
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 Cr No.14/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.09.2022 for the offences punishable under Sections 147, 417, 376, 506(i) of IPC, in crime No.14 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant by giving false promise that he would marry her. Thereafter, he refused to marry her. Hence, present case came to be registered.

3.The learned counsel for the petitioner would submit that the occurrence is of the year 2018. Both the petitioner and the defacto complainant are major. They loved each other. The co-accused were leased on bail and he is in judicial custody from 23.09.2022, hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that 6 witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail. But, however, the co-accused were released on bail by this Court.

5.Considering the period of incarceration and also considering the facts that the co-accused were released on bail and 6 witnesses have been examined, this Court is inclined to grant bail to the petitioner on certain 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, Ambasamudram.

(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/-
31/10/2022

/ TRUE COPY /

31/10/2022
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,
AMBASAMUDRAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKKOTTAI..
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAJAMANICKAM, Advocate (SR-12112[I] dated
31/10/2022)

ORDER
IN
CRL OP(MD) No.19172 of 2022
Date :31/10/2022

dss
USK/VR/SAR-I/31.10.2022/3P/7C