



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date :02/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.19339 of 2022

WEB COPY

Bose

... Petitioner/Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
Paramakudi All Women Police Station,
Ramanathapuram District
(Crime No.10 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Arunraj.K,
Advocate.
For Respondent : Mr.Vaikkam Karunanithi
Government Advocate

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

PRAYER :-

For Bail in Crime No.10 of 2021 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 08.07.2021 for the offences punishable under Sections 451, 376(2)(1), 376(2)(n), 506(i) of IPC in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner on false promise of marrying the victim, who is a mentally retarded person had sexual relationship with her, hence the case came to be registered.

3.On the side of the petitioner, it is stated that that due to previous enmity a false case has been foisted against the petitioner. The victim is 25 years old lady, who was a neighbour to the petitioner. He would further submit that the occurrence took place during the month of January 2021 and the complaint was lodged only during the month of July 2021. The petitioner is in custody for more than 1 year and prayed the petitioner to be released on bail.

4.On the side of the prosecution, it is stated that the victim is a mentally retarded and handicapped person. The accused was already a married man and he is having two children. The D.N.A test



reveals that the petitioner is the bio-logical father of the child. He would submit that the case stands posted for examination of witnesses, hence opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is in custody for more than 1 year and also considering the fact that the case is pending for trial, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Ramanathapuram, and on further conditions that:

(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 be present before the Court on hearing dates and before the respondent police as and when required;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/11/2022

/ TRUE COPY /

02/11/2022

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.

<https://www.mhc.tn.gov.in/judis>



TO

- 1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE, PARAMAKUDI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19339 of 2022

Date :02/11/2022

LS

RS/SBN/SAR.2 (02.11.2022) 3P-5C