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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP(MD). No.20386 of 2022

M.Mareeswaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.15/2022)

... Respondent/Complainant

For Petitioner : M/s.Dinesh K,
Advocate.

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

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

PRAYER :-

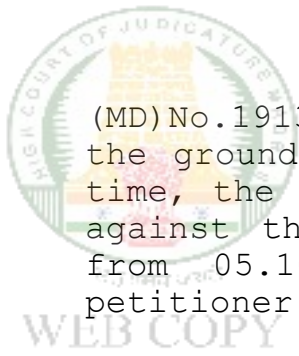
For Bail in Crime No.15 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.10.2022 for the offences punishable under Sections 417, 376 and 506(i) of IPC, in crime No.15 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.05.2022 and 10.09.2022 the petitioner had sexual intercourse with the defacto complainant by giving false promise that he will marry her. Thereafter, he refused to marry her and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier application filed by the petitioner in Crl.OP



(MD)No.19135 of 2022 was dismissed by this Court on 04.11.2022 on the ground that the investigation is in preliminary stage. By this time, the investigation is almost over. No previous case is pending against the petitioner and the petitioner is in judicial custody from 05.10.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that 164 statement was recorded. The investigation was completed and charge sheet is not yet filed. No bad antecedent is reported against the petitioner. However, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed, the petitioner is in judicial custody from 05.10.2022 and no bad antecedent is reported against the petitioner, 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 Court No.I, Sivakasi.

(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/-

17/11/2022

/ TRUE COPY /

17/11/2022

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, 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 - 3 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.DINESH, Advocate (SR-13158[I] dated 17/11/2022)

ORDER
IN
CRL OP(MD) No.20386 of 2022
Date :17/11/2022

DSS
RS/VR/SAR.(17.11.2022) 3P-7C