



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20136 of 2022

P.Anburaj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District
(In Crime No.28 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.E. Antony Sahaya Prabahar
Government Advocate (Crl.Side)

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

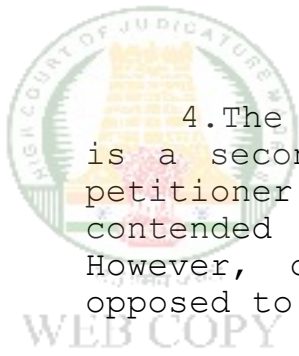
PRAYER :- For Bail in Crime No.28 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.10.2022 for the offences punishable under Sections 448, 376(c) r/w. 511 and 341, 506(i)IPC in crime No.28 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.09.2022, when the defacto complainant was sleeping in her house, the petitioner trespassed into the defacto complaint's house illegally and attempted to embrace the defacto complainant. Upon hearing, the noise of the defacto complainant, the neighbours came to the spot and censured the petitioner and immediately, he left the spot. On the next day, when the de facto complainant was going for shopping, the petitioner waylaid the 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 not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 02.10.2022, hence, he may be granted bail.



4.The learned Additional Public Prosecutor would submit it is a second bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 28.10.2022. He further contended that the investigation of case is almost completed. However, considering the gravity of the offence, he strongly opposed to release him on bail.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that investigation of the case is almost completed and that the petitioner is in judicial custody from 02.10.2022, 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 No.II, Kulithalai and on further condition 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 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 FIR can be registered under Section 229A IPC.

sd/-

14/11/2022

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14/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



3 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI,
KARUR DISTRICT.

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

+1. CC to M/S.SIVABALAN K Advocate SR.No.12924

ORDER

IN

CRL OP(MD) No.20136 of 2022

Date :14/11/2022

TRP

SA/TR/SAR.3/14.11.2022/3P/7C