



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20925 of 2022

Sankar @ Sankarpandi

... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
(Crime No.14/2022).

... Respondent/Complainant

For Petitioner : M/s.Shenbagaraj R,
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.

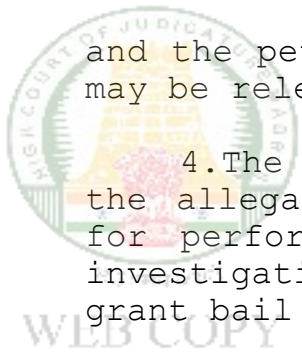
ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 04.11.2022 for the offences punishable under Sections 417, 376, 323, 109 & 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 first accused and the defacto complainant loved each other. He had sexual intercourse with the defacto complainant on various occasions by giving false promise that he will marry her. Thereafter, he refused to marry her. All the accused persons have threatened and tortured the defacto complainant. Because of that, she attempted to commit suicide by consuming poison. 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 the petitioner is the brother of the first accused. He is not having any knowledge about the relationship between the first accused and the defacto complainant

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



and the petitioner is in judicial custody from 04.11.2022, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that the allegation against the petitioner is that he raised objection for performing marriage. 6 witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that 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, Sattur.

(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/-
25/11/2022

/ TRUE COPY /

25/11/2022
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.



TO

1 THE JUDICIAL MAGISTRATE
SATTUR.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-13747[I] dated
25/11/2022)

ORDER

IN

CRL OP(MD) No.20925 of 2022

Date :25/11/2022

DSS

SA/VR/25.11.2022/3P/7C