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Crl.O.P.No.8800 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8800 of 2023

1. Murali
2. Parmila

... Petitioners

Vs.

State Rep by
Inspector of Police,
Thiruthani Police Station,
Thiruthani District.
(Crime No.288 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.288 of 2023 pending
investigation on the file of the respondent police.

For Petitioners : Mr.V.Ajith Kumar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 10.03.2023, for the offences punishable under Sections 294(b),
341, 342, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment



of Women Act, 2002 and Section 5(1) (a) of Immoral Traffic Prevention Act, 1956, in crime No.288 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Sandhiya is that the accused on the promise of securing job for her, took her to their house and compelled her to indulge in sexual intercourse with other persons. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are husband and wife and they are innocent persons. Due to money dispute between the petitioners and the defacto complainant, a false complaint has been given against the petitioners. He further submitted that the petitioners are in judicial custody from 10.03.2023. Hence, he would pray to grant bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioners stating that the petitioners under the guise of securing job for the defacto complainant, took her to their house and compelled her to indulge in sexual intercourse with other persons. However, there is no previous case against the petitioners.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions;

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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, Thiruthani**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the



respondent police every day at 10.30 a.m. for a period of three weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Thiruthani.
2. The Inspector of Police,
Thiruthani Police Station,
Thiruthani District.
3. The Superintendent,
Central Prison, Puzhal.
4. The Superintendent,
Central Special Prison for Women, Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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