



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2897 of 2023

Alagarsamy @ Mathiyalagan ... Petitioner/Petitioner/Sole Accused

Vs

State rep. by,
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.98 of 2022)

... Respondent/Respondent/Complainant

For Petitioner : M/s.Aju Tagore.P

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.98 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 28.12.2022, for the offence punishable under
Sections 354(A)(1)(i), 324, 379(NH) of IPC and Section 4 of TNPHW
Act, in Crime No. 98 of 2022, on the file of the respondent police,
seeks bail.

2.The case of the prosecution as per the defacto
complainant is that on 21.12.2022 at about 02.15 p.m., when the
defacto complainant was taking bath in a village pond, the
petitioner had attempted to outrage her modesty, by physical contact
and explicit sexual overtures, assaulted her with hands, in which,
she sustained injuries. Further allegation is that during the
incident, her 1 ½ sovereigns of gold chain was found missing.
Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and known to the defacto complainant. Even as per the allegation, the defacto complainant has alleged that the petitioner has attempted to commit rape on her and when she raised an alarm, some persons came there and on seeing them, the petitioner fled from the scene of occurrence. He has been falsely implicated in this case, due to previous enmity. The petitioner is in custody from 28.12.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that while the defacto complainant was taking bath in a village pond, the accused attempted to commit rape and also attempted to snatch her chain. Later, the chain was found in the scene of occurrence. Considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with **two blood sureties** each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Singampunari**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the respondent Police daily at 10.30 a.m., and 05.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;



WEB COPY

CRL OP(MD).



23

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SINGAMPUNARI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER IN-CHARGE, SUB JAIL, THIRUPATHUR.
4. THE INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJU TAGORE.P Advocate SR.No.2285(I)

ORDER
IN
CRL OP(MD) No.2897 of 2023
Date :14/02/2023

NA/BUC/SAR/15.02.2023/3P/7C