



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.2625 of 2023

Ananthan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Andipatti All Women Police Station,
Theni District
(Crime No.01 of 2023).

... Respondent/Complainant

Kanimozhi

... Petitioner/Intervener/
Defacto Complainant
In Crl.MP(MD).2663 of 2023
in Crl.OP(MD).2625 of 2023

For Petitioner : M/s.JEYAKARTHIK.M.S,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

For Intervenor : Mr.C.SUSIKUMAR, Advocate

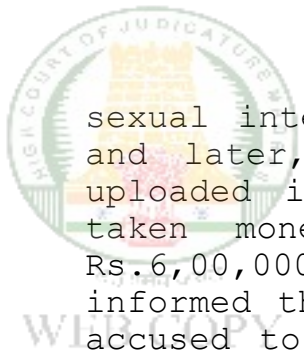
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.01 of 2023 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 15.01.2023 for the offences punishable under Sections 420, 354C, 376 and 506(2) IPC in Crime No.01 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant and her husband and the accused had studied in the same school and they are known to each other and the defacto complainant's husband and the accused are working in Army. During February, the accused had come to his native place and at that time, he had taken up the defacto complainant to a bakery and offered to have a tea with him and during such time, he had given cool drink with lot of stupefying substances, due to which, the defacto complainant became unconscious and thereafter, the accused had taken her to the house and committed



sexual intercourse with her and had taken nude photograph of her and later, had threatened her stating that the photos will be uploaded in the social media and thereafter, had threatened and taken money from her on several occasions to the tune of Rs.6,00,000/- and fearing it would spoil her family, she has informed the incident to her husband and her husband requested the accused to delete the photos, whereas, the accused had threatened both of them and also further demanded amount. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in in this case on account of a financial dispute. He would further submit that earlier the petitioner and the de-facto complainant's husband are friends and during such time, there were some financial dealings and the petitioner had sent money to the de-facto complainant's account on several occasions to the tune of Rs.2,97,000/-. He would further submit that the petitioner is in judicial custody from 15.01.2023 and hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had offered a cool drink to the de-facto complainant laced with stupefying substances, due to which, she became unconscious and thereafter, he had taken the victim to the house and had committed rape on her and also taken videos and thereafter, the accused had threatened her by showing the videos and demanded a sum of Rs.6,00,000/- and further, when it was questioned by the de-facto complainant's husband, he had threatened both of them. Hence, he opposed to grant bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed to grant bail and also concedes the submissions made by the learned Additional Public Prosecutor appearing for the respondent police.

6.In reply, the learned counsel for the petitioner would also submit that a case of financial dispute has been exaggerated and a false complaint has been given. He would further submit that the petitioner, without prejudice to his defence, is also ready and willing to file an affidavit of undertaking before the learned Magistrate stating that he will not interfere into the life of the de-facto complainant and her husband in future.

7.Heard. Perused the materials available on record including the First Information Report.

8.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following 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 sureties each for a like sum to the



satisfaction of the learned Judicial Magistrate, Andipatti. On further conditions that:

[b] 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.

[c] after coming out on bail, the petitioner shall file an affidavit of undertaking before the concerned Magistrate stating that he will not interfere into the life of the de-facto complainant and her husband in future, failing which, the bail order already granted shall stand dismissed automatically;

[d] the petitioner shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station, Trichy daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].

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

sd/-

14/02/2023

/ TRUE COPY /

14/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
ANDIPATTI ALL WOMEN POLICE STATION,
THENI DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
TRICHY CONTONMENT POLICE STATION,
TRICHY.

+1. CC to M/S.JEYAKARTHIK.M.S Advocate SR.No.2279

ORDER

IN

CRL OP(MD) No.2625 of 2023
Date :14/02/2023

SA/SSS/SAR. /14.02.2023/4P/8C