



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

Date : 04/05/2023

PRESENT

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The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8482 of 2023

Ashish Jain

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Town - Madurai City,
Madurai City.
Cr.No.3/2023.

... Respondent/Complainant

For Petitioner : M/s. Vivekananthan.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.3/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 10.04.2023 for the offence punishable under Section 376 of IPC in Crime No.3 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant had come to Madurai to attend a conference the petitioner herein along with other accused committed sexual assault on the defacto complainant. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner and the defacto complainant are friends and they used to converse through phone and whatsapp. He further submitted that no sexual assault was made as alleged by the prosecution. He further submitted that the occurrence had taken place on 17.12.2022, whereas complaint was lodged only on 10.04.2023 after a delay of four months. Further the occurrence had taken place on 17.12.2022 and next day meeting was conducted and the defacto complainant had attended the meeting. Further the defacto complainant only invited the petitioner to the hotel and stayed there. Further it is stated that the petitioner is in judicial custody from 10.04.2023, hence he seeks bail.



4. On the side of the prosecution, it is stated that the accused persons had committed sexual assault on the defacto complainant. 164 Cr.P.C statement of the defacto complainant was recorded and medical examination was also over.

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5. Considering the facts and circumstances of the case and also period of incarceration this Court is inclined to grant bail to the petitioner with 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.I, Madurai

[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] the petitioner shall report before the respondent police daily at 10.30 A.M., and 5.30 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].

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

sd/-

04/05/2023

/ TRUE COPY /

04/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE TOWN - MADURAI CITY,
MADURAI CITY.

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

ORDER

IN

CRL OP (MD) No.8482 of 2023

Date :04/05/2023

SS/CG/SAR /04/05/2023/3P/6C