



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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8586 of 2023

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... Petitioner/4th Accused

Vs

The State represented by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Cr.No.172/2023.

... Respondent/Complainant

For Petitioner : M/s. Pitchai Muthu.M,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

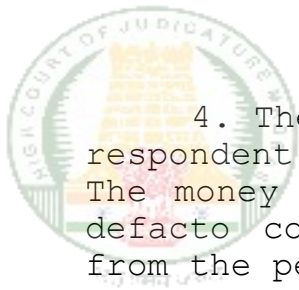
For Bail in Crime No. 172/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /4th accused who was arrested and remanded to judicial custody on 19.04.2023 for the alleged offences punishable under Sections 294(b), 367, 384 and 506(i) IPC r/w Section 67 of Information Technology Act, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused forcibly taken the defacto complainant and compelled him to have homosexuality with the second accused and obtained a sum of Rs.75,00,000/- from the defacto complainant by threatening him as if they will upload the video in the social network.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was implicated in this case, since he is the friend of A1.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the fourth accused. The money was transferred to the account of the petitioner by the defacto complainant. Further, partial amount had been recovered from the petitioner. All the other accused were also arrested.

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5. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manapparai, Trichy District, and on further conditions that:

[b] the petitioner shall deposit a sum of Rs.30,000/- (Rupees Twenty thousand only) to the credit of Crime No.172 of 2023, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner. The defacto complainant is permitted to withdraw the said amount by filing an undertaking affidavit before the trial Court.

[c] 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.

[d] the petitioner shall report before the respondent police as and when required for the purpose of 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/-

17/05/2023

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19/05/2023

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

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



TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8586 of 2023

Date :17/05/2023

SS/MMS/SAR- /19.05.2023/ **3P/ 6C**