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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9151 of 2023

Periyasamy @ Azhaguraja

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.29/2023).

... Respondent/Complainant

For Petitioner : M/s.Prabhu.K, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.29 of 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 31.01.2023 for the offences punishable under Sections 366, 294(b), 324 and 506(ii) of IPC, Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 67 B of Information Technology Act, 2000 in Crime No.29 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused on the false promise of marrying the minor victim girl, had sexual intercourse and when the same was questioned, the petitioner herein along with other accused abused the de-facto complainant in filthy language and also threatened with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner had a love affair with the victim girl and the parents of the victim girl gave a false complaint against him. He would further submit that this is the third application for bail and



the earlier applications were dismissed by this Court dated 21.03.2023 and 19.04.2023 in Crl.O.P.(MD)Nos.5302 and 7226 of 2023. The petitioner is in judicial custody from 31.01.2023 onwards and hence, he prayed for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C., wherein, the victim girl stated that she had affair with the petitioner. The investigation almost completed.

5.Taking into consideration the facts and submissions of the case and also considering the period of incarceration, 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 (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni District, and 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 from prison, within two days, the petitioner shall file an undertaking affidavit before learned Sessions Judge stating that he will not have any communication with the victim girl in future, failing which, the bail already granted shall stand dismissed automatically;

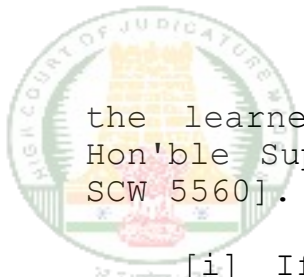
[d] the petitioner shall stay at Salem and report before the Inspector of Police, Town Police Station, Salem daily at 10.30 a.m. for a period of three months and thereafter report before the respondent police as and when required for interrogation;

[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/-

18/05/2023

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19/05/2023

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

SJI

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI DISTRICT.
- 2 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.
- 3 THE INSPECTOR OF POLICE, DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
TOWN POLICE STATION, SALEM.

+1 CC to M/s.PRABHU.K, Advocate (SR-7599[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.9151 of 2023

Date :18/05/2023

RS/MMS/SAR-3(18.05.2023) 3P 7C