



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.9225 of 2023

Suresh,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Siruganur Police Station,
Trichy.
(In Crime No. 55 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SELVAM.N.,
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.55 of 2023 on the file of the Respondent Police.

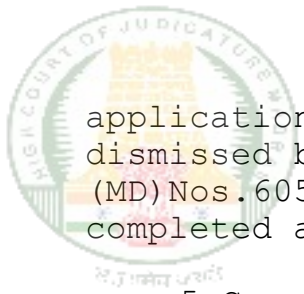
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.02.2023 for the offences punishable under Sections 376 and 506(2) of IPC in Crime No.55 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.02.2023 at about 01.30 p.m., when the de-facto complainant was waiting in the bus stand, the petitioner came there in a two wheeler and picked up her and forcibly raped her and threatened her, hence, the case.

3.The learned counsel appearing for the petitioner would submit that this is the third application for bail and the earlier applications were dismissed by this Court, dated 31.03.2023 and 26.04.2023 in Crl.O.P.(MD)Nos.6056 and 7856 of 2023. He would further submit that the petitioner is in judicial custody from 18.02.2023 onwards and hence, he prayed for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that this is the third



application for bail and the earlier bail application were dismissed by this Court, dated 31.03.2023 and 26.04.2023 in Crl.O.P. (MD) Nos. 6056 and 7856 of 2023. Now, the investigation almost completed and they are going to file a final report within one week.

5. Considering the facts and circumstances of the case and also the facts that the investigation almost completed and they are going to file a final report within one week and also considering the period of incarceration and into consideration, 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 (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Lalgudi, Tiruchirapalli, 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] the petitioner shall report before the respondent police every Tuesday and Sunday at 10.30 A.M., for a period of three months and thereafter, as when required for interrogation;

[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/-

18/05/2023

/ TRUE COPY /

19/05/2023

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



- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.N.SELVAM, Advocate, SR.No.7753

ORDER

IN

CRL OP(MD) No.9225 of 2023

Date :18/05/2023

SA/CG/SAR.3/19.05.2023/3P/7C