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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9381 of 2023

Sekar

... Petitioner/Sole Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Manamadurai.
In Cr.No.6/2023.

... Respondent/Complainant

For Petitioner : M/s.R.Senthilkumar
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 6/2023 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 24.03.2023 for the offences under sections 452, 376(2)(i), 506(i) of IPC in Crime No.6 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant made a complaint that the petitioner has sexually abused the victim and she witnessed the occurrence.

3. The learned Additional Public Prosecutor submitted that the
<https://www.mca.gov.in/judis> a mentally retarded woman and medical examination was



already completed. Charge sheet was also filed. No previous case has been registered against the petitioner.

4. Heard both sides. Perused the materials available on record including the First Information Report.

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5. Taking into consideration of the facts and submissions made by the learned counsels and also the fact that investigation has been completed and also the fact that charge sheet has also been laid and considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Thiruppuvanam, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned 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 is 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].

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

sd/-
24/05/2023

/ TRUE COPY /

24/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI.

4 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.

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

+1 CC to M/s.SENTHILKUMAR.R, Advocate (SR-7793[I] dated 24/05/2023)

ORDER

IN

CRL OP(MD) No.9381 of 2023

Date :24/05/2023

PKP/ /SAR- /24.05.2023/ **3P/7C**