



WEB COPY

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.9392 of 2023

Sumathi

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
In Cr.No.143/2023.

... Respondent/Complainant

For Petitioner : M/s.K.Sankar
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.143/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A3 who was arrested and remanded to judicial custody on 05.05.2023 for the offences under sections 174 Cr.P.C. (Hanging) to 306 IPC in Crime No.143 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons harassed the deceased minor girl for the complaint given by her against A1 for the offence of sexual abuse. Due to their harassment, the deceased minor girl committed suicide. Hence the present complaint.

3. The learned Additional Public Prosecutor submitted that the main allegations are against A1. The petitioner is A3. No previous case has been registered against the petitioner. Other accused persons are still in custody.



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

5. Taking into consideration of the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioner and also 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, Sivagiri, 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., for a period of one month and thereafter as and when required for interrogation;

[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,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
WOMEN PRISON, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.SANKAR.K Advocate SR.No.7796 (I) Dt.24/05/2023

**ORDER
IN**

CRL OP(MD) No.9392 of 2023
Date :24/05/2023

SA/24.05.2023/3P/7C