



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.06.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.9866 of 2023

K.Kumar

... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.10 of 2023)

... Respondent/Complainant

For Petitioner : Mr.P.Rajkumar, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.10 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 29.04.2023 for the offence under section 452, 341, 376, 294(b), 506(i) IPC in Crime No.10 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner had physical relationship with the victim lady by giving false promise of marriage. When the victim lady asked to marry her, the petitioner refused to do the same. Hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.

4.It is seen that the petitioner on the pretext of marriage, had physical relationship with the victim lady, who is 33 years old. On perusal of statement recorded under Section 164 Cr.P.C., revealed



relationship with victim lady on four times. When the parent of the victim asked the petitioner to marry her, the petitioner refused to marry her.

5. Taking into consideration of the above facts and circumstances and also 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil, Tenkasi 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] the petitioner shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter, as and when required.

[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/-

07/06/2023

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07/06/2023

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

GNS

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



TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SANKARANKOVIL,
TENKASI DISTRICT.

4 THE CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.RAJKUMAR, Advocate (SR-8195[I] dated 07/06/2023)

ORDER

IN

CRL OP(MD) No.9866 of 2023

Date :07/06/2023

RS/VR/SAR-(07.06.2023) 3P 7C