



WEB COPY

CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/06/2023
PRESENT

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

CRL OP(MD). No.11163 of 2023

Mohammed Muzzamil,

... Petitioner/A1

Vs

The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.15/2023).

... Respondent/Complainant

For Petitioner : M/s.P.RAJESH,
Advocate.
For Intervenor : M/s.R.KARUNANIDHI
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.15 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 06.06.2023 for the offences under sections 417,375(a), 376,506(i) of IPC in Crime No.15 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were in relationship for the past 10 years. Both the families did not agree for their marriage and hence they eloped and got married on 08.09.2023 as per muslim rites. Thereafter they had gone to Chennai and at that time the petitioner had physical relationship with the defacto complainant. After few months they returned back to Tirunelveli and the petitioner as per the advice of his family members intentionally avoided the defacto complainant and refused to marry her, 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 and the victim lived together for so many years and they had physical relationship and thereafter they got married and their marriage was also registered before the Jamath, however the petitioner left her in lurch and failed to live with her.

5. The learned Additional Public Prosecutor would submit that after enjoying the life for one month and after registering the marriage before the Jamath he abandoned her and left her away.

6. The learned counsel for the petitioner would submit that the petitioner is now ready and willing to live with the victim and also sought unconditional apology for leaving her separately. He is also ready to file an undertaking affidavit to that extent and he also agreed to register their marriage before the concerned Registrar Office, hence he seeks bail.

7. Taking into consideration the facts and submissions made by the learned counsels 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli and on further conditions that:

[b] the petitioner shall file an undertaking affidavit before the trial Court that he will not leave the victim at any point of time in future and he is also ready and willing to live with the victim without harassing her

[c] After coming out from prison within two weeks the petitioner shall register his marriage with the defacto complainant before the concerned registrar office and produce the marriage registration certificate before the respondent and if he fails to register the marriage the bail granted to the petitioner shall stand cancelled automatically and the respondent police is directed to secure the petitioner and proceed in accordance with law.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.



[e] the petitioner shall not commit any offences of 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/-

22/06/2023

/ TRUE COPY /

22/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.P.RAJESH Advocate SR.No.9395

ORDER IN

CRL OP(MD) No.11163 of 2023

Date :22/06/2023

SA/VR/SAR. /22.06.2023/3P/7C