



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15605 of 2023

Murugan @ Murugeson

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.94 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Ponkarthikeyan R,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.94 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 24.07.2023 for the offence punishable under Section 376 of IPC in Crime

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No.94 of 2023 on the file of the respondent Police, seek bail.

2. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the complainant and the complaint was not given by the victim but the complaint was given only by the relative of the victim. The petitioner was arrested and remanded to judicial custody on 24.07.2023 and he is still in judicial custody. Further major part of the investigation is almost completed, hence he may be granted bail.

3. The learned Additional Public Prosecutor would contend that the petitioner has forcibly taken the victim in a two wheeler and committed rape on her. He also produced the statement of the victim recorded under Section 164(5) of Cr.P.C. wherein the victim has narrated the above incident. Further the offence is very grave in nature and the investigation is in preliminary stage. Further *prima facie* materials available as against the accused, hence he strongly objected to grant bail to the petitioner.

4. Heard both side and perused the materials available on record including the statement of the victim recorded under Section 164(5) of Cr.P.C



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5. Considering the rival submissions on either side and considering that material part of the investigation was completed and also considering the fact that the complaint was not given by the victim and also considering the period of incarceration and all other aspects, 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, Sathankulam and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 am., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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



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

[f] 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].

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

sd/-
28/08/2023

/ TRUE COPY /

28/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



WB 3 THE OFFICER INCHARGE,
DISTRICT JAIL, THOOTHUKUDI.

4 THE SUB INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-12850[I] dated 28/08/2023)

ORDER
IN
CRL OP(MD) No.15605 of 2023
Date :28/08/2023

SS/28/08/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023