



CRL OP(MD). No.17392 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Ramesh,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
AWPS Police Station,
Iluppur,Pudukottai District,
Crime No.198/2023.**

... Respondent/Complainant

For Petitioner : M/s.Sekar.S,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.198/2023 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioner/Sole Accused who was arrested and remanded to judicial custody on 26.08.2023 for the offences punishable under Sections 417, 498(A) and 493 of IPC altered into Sections 417, 498(A), 493 and 376 of IPC, in Crime No.198 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and defacto complainant. On 04.08.2022, they have married and living as husband and wife. Thereafter, the defacto complainant know about the illicit intimacy of the petitioner. When the same was questioned by the defacto complainant, the petitioner abandoned her. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner having love affair with the defacto complainant and got married. The question of offences under Section 376 of IPC does not arise. In Habeas Corpus proceedings filed by the father of the defacto complainant, she was produced before the Court. Thereafter, only the present case has been foisted against him.

4. The learned Additional Public Prosecutor would submit that due to love



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affair, the petitioner and the defacto complainant got married. But, thereafter, the petitioner is having illegal relationship with another woman. Hence, the complaint.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the relationship between the parties, considering the nature of offence and also considering the period of incarceration, I am 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-cum-District Munsif, Illupur, Pudukkottai District and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. for a period of thirty days, thereafter, as and when required for interrogation.

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

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

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

investigation or trial.

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[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/-
29/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE JUDICIAL MAGISTRATE,
CUM DISTRICT MUNSIF, ILUPUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDHUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.



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- 4 THE INSPECTOR OF POLICE
AWPS POLICE STATION,
ILUPPUR,PUDUKOTTAI DISTRICT,
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.SEKAR, Advocate (SR-14476[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17392 of 2023
Date :29/09/2023

PKP/SAR- /29.09.2023/ 5P/ 7C

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