



CRL OP(MD). No.17499 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
CRL OP(MD). No.17499 of 2023

MURALI

... PETITIONER/RANK NOT KNOWN

VS

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
KURUMBUR,
THOOTHUKUDI DISTRICT,
(CRIME NO.71/2023)

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Manikandan.T, Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused on bail in Crime No.71/2023 in
PRC.No.112/2023 on the file of the Judicial Magistrate No.I, Srivaikundam.

ORDER : The Court made the following order :-

The petitioner/Accused who was arrested and remanded to judicial custody on
11.07.2023 for the offences punishable under Sections 376(2)(g) of IPC, in Crime
No.71 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 09.07.2023, the second accused took the victim to a remote place under the pretext that he will give shelter for her and he joined with other accused persons, committed the offence of rape upon the victim. 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, and no specific overt act against this petitioner and he is in judicial custody from 11.07.2023, hence, bail may be granted to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is gang rape. Investigation has been completed and charge sheet was filed before the learned Judicial Magistrate No.I, Srivaikundam and the same was taken cognizance in P.R.C.No.112 of 2023. A1 and A2 are detained under Act 14.

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

6. Considering the rival submissions on either side, considering that no specific overt act as against this petitioner, already investigation was over and P.R.C. numbered and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[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.I, Srivaikundam and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. 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.

[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].



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[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 NO.1, SRIVAIKUNDAM.

2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
DISTRICT.

3.THE SUPERINTENDENT,
SUB JAIL, SRIVAIKUNDAM.

4.THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
KURUMBUR,
THOOTHUKUDI DISTRICT,

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



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+1. CC TO M/S.MANIKANDAN.T ADVOCATE SR.NO.14493, DATED.29.09.2023.

ORDER

IN

CRL OP(MD) No.17499 of 2023

Date :29/09/2023

SI/ /SAR- (29/09/2023) 5P/ 7C

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