



CRL OP(MD)No.17885 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.17885 of 2023

Meshack Hella Lavis

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Madurai District.
Crime No.42 of 2023

... Respondent/Complainant

Aruna Nandhini

... Petitioner/Defacto Complainant

In CrI.MP(MD).15150/2023 in CrI.OP(MD).17885/2023

For Petitioner : Mr.P.EDIN BROUGH, Advocate

For Respondent : Mrs.M.AASHA,
Government Advocate(CrI.side)

For Intervenor : Mr.M.L.SIVAKUMAR, Advocate

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

PRAYER :- For Bail in Crime No.42 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.09.2023 for the alleged offence punishable under Sections 417, 376, 506(i) IPC in Crime No.42 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner and the defacto complainant were loved each other and on the pretext of marriage, the petitioner had physical relationship with the defacto complainant. Thereafter, he refused to marry her. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 02.09.2023, hence he seeks bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent Police would submit that investigation is not completed.

5.The defacto complainant is present before this Court and she stated that she is not willing to marry the petitioner.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II,
Madurai District and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.II, MADURAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.EDIN BROUGH, Advocate (SR-15671[I] dated 30/10/2023)

ORDER IN
CRL OP(MD) No.17885 of 2023
Date :30/10/2023

SA/SAR. /30.10.2023/4P/7C

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