



CRL OP(MD)No.18405 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.18405 of 2023

Saravanan

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.29 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.Arputharaj, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.29 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 22.09.2023



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for the alleged offence punishable under Sections 417, 376, 506(i) IPC in Crime

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No.29 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 developed love affair and had physical relationship. Thereafter, the petitioner 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 22.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is not completed and the petitioner is not having any previous cases.

5.On perusal of statement of the defacto complainant recorded under Section 164 Cr.P.C., it is noticed that the petitioner and the defacto complainant loved each other for the past five years and the same was also disclosed to the parents. They



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also arranged for engagement. Thereafter, the accused demanded more dowry and hence, the marriage was stopped.

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 petitioners, 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 sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, No.I, Usilampatti 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.



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(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.

/ TRUE COPY /

sd/-
30/10/2023

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

GNS



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TO
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- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.I, USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, USILAMPATTI, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-15650[I] dated 30/10/2023)

ORDER
IN

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Date :30/10/2023

SS/SAR- /30/10/2023/5P/7C

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