



CRL OP(MD). No.19853 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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R.Murugesan,

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Thiruparankundram, Madurai.

Cr.No.21/2023.

... Respondent/Complainant

For Petitioner : M/s.Gururaj M, Advocate.

For Respondent : Mr.R.M.S.Sethuraman,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 21/2023 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 30.09.2023 for the offence under sections 375 (C) and 376 of IPC in Crime No.21 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 committed rape on the defacto complainant, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that there is money dispute between the husband of the defacto complainant and the petitioner and in order to escape from repayment of the borrowed amount the defacto complainant has lodged a present false complaint. He would further submit that the petitioner is in custody from 30.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is a auto driver and he used to park his vehicle near the fruit stall of the defacto complainant and they are known to each other. The petitioner often used to sexually harass the defacto complainant which was strongly opposed by her and she warned him. Whiles, on 13.09.2023 at 10.15 pm., when the defacto complainant was attending natural call the petitioner requested the defacto complainant to come with him in his auto. Subsequently the petitioner compelled her to involve in physical relationship with him and when the defacto complainant attempted to alight from the auto the petitioner committed rape on her, hence he objected to grant bail to the petitioner. However he fairly concedes that the investigation has been completed and final report has been filed before the concerned Court.

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5. Taking into consideration the facts and circumstances of the case and also the fact that the investigation has been completed and final report has been filed before concerned Court and also taking into consideration the period of incarceration 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., and 5.30 P.M., until further orders.

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

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

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

[g] On breach of any of the aforesaid conditions, the learned Judicial

Magistrate/Trial Court is entitled to take appropriate action against the petitioner in



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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].

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

sd/-
06/11/2023

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06/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPARANKUNDRAM,
MADURAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.GURURAJ, Advocate (SR-15969[I] dated 06/11/2023)

ORDER
IN
CRL OP(MD) No.19853 of 2023
Date :06/11/2023

PKP/06.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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