



CRL OP(MD). No.1725 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Vasimalai

... Petitioner/ Accused

Vs

The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
In Crime No.18 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.A.JAYARAMACHANDRAN,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.18 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 10.01.2024 for the offences punishable under Sections 417, 376 and 506(i) IPC in Crime No.18 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 22.06.2023 the petitioner, who is serving at Indian Army, had love affair with the defacto complainant and had physical



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relationship with her. When the defacto complainant informed him about her pregnancy, he gave assurance that he would marry her, but later he refused to marry her and he compelled her to go for abortion, for which, he sent Rs.20,000/- to the defacto complainant. However, she gave birth to a male baby. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution. The co-accused were granted anticipatory bail by this Court in Crl.O.P(MD) No.12725 of 2023. Further he would submit that the defacto complainant already made a similar complaint against the another Army man for the very same allegations as if he had love affair with her and had physical relationship, thereafter, he refused to marry her. Hence, it is proved that this is the false complaint made against this petitioner. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is true that the similar type of complaint is made against the another Army man by the defacto complainant and the DNA report is not yet received in this case. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.



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6. Considering the facts and circumstances of the case and also considering the fact that the similar complaint is made by the defacto complainant against the another Army man some years back for the very same allegations and the co-accused person were granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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, Usilampatti, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent Police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned



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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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2024

/ TRUE COPY /

05/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.

<https://www.hmc.tn.gov.in/judis>



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

+1 CC to M/s.A.JAYARAMACHANDRAN, Advocate (SR-1391[I] dated 05/02/2024
)

ORDER
IN
CRL OP(MD) No.1725 of 2024
Date :05/02/2024

SA/SAR. /05.02.2024/5P/7C

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