



CRL OP(MD). No.4307 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4307 of 2024

Ganguli

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
AWPS-Thallakulam,
Madurai City.
In (*)Crime No.11 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.M.Pitchai Muthu,
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.11 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 19.02.2024 for the offences punishable under Sections 417 and 506(ii) of IPC in (*)Crime No.11 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a divorced woman and she is living in her parental home along with her child. On several times, on false promise to marry her, the petitioner had physical contact with the defacto complainant, due to which, she became pregnant. So, the petitioner took the defacto complainant to a hospital and aborted the fetus forcibly. Thereafter, the petitioner refused to marry her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner had physical relationship with the defacto complainant on her consent only. There is no proof produced as if the petitioner forcibly took the defacto complainant to the hospital and aborted her fetus. He would further submit that the petitioner is in judicial custody for more than 30 days. Hence, he prays for grant bail



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to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that an earlier bail petition filed by the petitioner was dismissed by this Court, vide order dated 13.03.2024. The defacto complainant consumed poison due to the act of the petitioner that on false promise of marriage, he had physical relationship with the defacto complainant, due to which, she became pregnant and she was forcibly took to the hospital and the fetus was aborted at the instigation of the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, 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/-

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(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai, Madurai District, 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 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;



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

sd/-
25/03/2024

(*)Corrected as per Order of this
Hon'ble Court dt.27/03/2024 in Crl.OP
(MD).No.4307/2024.

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27/03/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO
TO BE SUBSTITUTED WITH THE ORDER DT.25.03.2024 ALREADY
DESPATCHED

1. The Judicial Magistrate No.II,
Madurai, Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
- 3.The Superintendent, Central Prison, Madurai.
- 4.The Inspector of Police,
AWPS-Thallakulam, Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :25/03/2024

RK/ (25/03/2024) 6P / 6C

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SA/SAR. /27.03.2024/6P/6C

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