



CRL OP(MD). No.5914 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5914 of 2024

P.Rajesh

... Petitioner / Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.4/2024).

... Respondent/Complainant

For Petitioner : Mr.S.Vikram, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.4/2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The respondent police registered a case as against this petitioner in Crime No.04 of 2024 for the offence under Sections 294(b), 354(D), 342 and 506(i) of IPC, and remanded him into judicial custody on 02.03.2024. Therefore, the petitioner has filed this petition seeking bail.

2.The petitioner is an Army personnel. The complaint was registered in the year 2018 that the petitioner intimidated the defacto complainant to withdraw the case, which is pending against the petitioner in S.C.No.49 of 2022.

3.The learned counsel for the petitioner submits that the petitioner, who was arrested in S.C.No.49 of 2022, has already been acquitted. Now the petitioner was arrested on 01.03.2024 and he is in jail for the past 48 days. He further submits that the petitioner is not disturbing the defacto complainant and also gives an assurance that he will not disturb the defacto complainant at any point of time by way of undertaking affidavit before the concerned Police station. Therefore, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and also considering the petitioner's undertaking that he will not disturb the defacto complainant and the



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period of incarceration, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Additional Mahila Court, Judicial Magistrate Level, Theni.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall file an undertaking affidavit before the respondent police that he will not disturb the defacto complainant at any point of time; Further, he shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required by the respondent police. He has to co-operate for the investigation;

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.



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v) On violation of any of the above conditions by the petitioner,
the respondent police shall move an application for cancellation of the
bail.

sd/-
17/04/2024

/ TRUE COPY /

17/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judge,
Additional Mahila Court,
Judicial Magistrate Level,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Theni, Theni District.

4.The Officer Incharge,
District Prison,
Theni.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.S.VIKRAM, Advocate (SR-4578[I] dated 17/04/2024)

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ORDER
IN

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Date :17/04/2024

ED/ /SAR- (17/04/2024) 5P / 7C

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