



CRL OP(MD). No.7454 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7454 of 2024

Arulpandi,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
Cr.No.3/2024.

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan, Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 3/2024 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



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custody on 16.03.2024, for the offence under Sections 376 and 506(i) of IPC in Crime No.3 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant's daughter, who is a physically challenged person, by stating that Epilepsy would not happened to her, if they had sexual intercourse. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 16.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that after investigation, a final report has been filed before the concerned Magistrate Court and the same was taken on file in PRC No.3 of 2024.

5.Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner with some stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his



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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 learned Judicial Magistrate, Usilampatti and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders. The petitioner is directed not to meet the victim girl and also not to disturb her, while he is in bail.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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 is 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].



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

sd/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

- 1 THE JUDICIAL MAGISTRATE,
USILAMPATTI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.VENKATESAN, Advocate (SR-5550[I] dated 22/05/2024)

ORDER
IN
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Date :22/05/2024

PKP/22.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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