



CRL OP(MD). No.11069 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11069 of 2024

Veerarasu,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
Crime No. 30/2022.

... Respondent/Complainant

For Petitioner : Mr.R.Alagia Nambi,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in S.C No. 50/2022 on the file of the learned District Sessions Judge / Mahila court, Pudukkottai in connection with Crime No. 30/2022 on the file of the respondent police and pass such other orders.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on



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20.01.2022 for the offences punishable under Sections 376 and 302 IPC in Crime

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No.30 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein along with other accused raped the deceased viz., Nagarathinam aged about 65 years and caused several injuries on her body. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that co-accused already released on bail and the petitioner is in judicial custody from 20.01.2022, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that petitioner herein along with other accused raped the deceased viz., Nagarathinam aged about 65 years and caused several injuries on her body and hence, strongly opposed to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and



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also considering the period of incarceration and that the co-accused already released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 District Sessions Judge, Mahila Court, Pudukkottai, and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the concerned Court on each and every hearing date without fail;

(iii) the petitioner shall not tamper with evidence or witness;



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(iv) the petitioner shall not abscond during trial.

v) 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 petitioners 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].

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

sd/-
22/07/2024

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22/07/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE DISTRICT SESSIONS JUDGE
MAHILA COURT PUDUKKOTTAI
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.



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

+1 CC to M/s.R.ALAGIA NAMBI, Advocate (SR-8228[I] dated 22/07/2024)

ORDER

IN

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Date :22/07/2024

SS/SAR- /22/07/2024/5P/6C

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