



CRL OP(MD). No.18625 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18625 of 2024

Madavan

... Petitioner/Sole Accused

Vs

The State rep by
The Sub-Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.326 of 2024

... Respondent/Complainant

For Petitioner : M/s.S.Maya Perumal
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public PROsecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.326 of 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 custody on 09.10.2024 for the offences punishable under Section 64 and 35(1) of BNS, in Crime NO.326 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused has forcibly taken

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the victim girl and committed penetrative sexual assault. Hence, the complaint.

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3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the nature of allegation in this case that the petitioner is said to have threatened and forced himself on the de-facto complainant and committed penetrative sexual assault on various occasions and considering the fact that the de-facto complainant since living separately with her husband and is also said to be pregnant on account of the petitioner, but however, in the course of the investigation, even though the pregnancy is in the early weeks and is not willing to abort the child and considering the overall facts and circumstances of the case and since the petitioner is in judicial custody from 09.10.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

5. 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 Munsif-cum-Judicial Magistrate Court, Thiruchuli, Virudhunagar District.

(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



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card or Bank Pass Book to ensure their identity;

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(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

(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 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].

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

sd/-
28/10/2024

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28/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUCHULI,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKKOTTAI.

4 THE SUB-INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/s.K.MURUGAN, Advocate (SR-13282[I] dated 28/10/2024)

ORDER IN

CRL OP(MD) No.18625 of 2024

Date :28/10/2024

SA/SAR. /28.10.2024/4P/8C

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