

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8892 of 2020

Ravi @ Korangu Ravi

... Petitioner

/Vs/

The State rep by
The Inspector of Police,
All Women Police Station,
Triplicane, Chennai – 600 002.
(Crime No.1 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioner on bail in Crime No.1 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Balaguru Swamy

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

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ORDER

This petition has been filed by the petitioner to enlarge the Petitioner on bail in Crime No.1 of 2020 on the file of the Respondent Police.

2. The mother of the victim has lodged a complaint that on 10 years old girl child was molested by the petitioner who is an Auto Driver, who is also nearby resident. The minor girl was left inside the house and the door was locked from outside. The mother of the victim girl had gone to attend work. At that time, the petitioner/accused had entered in to the house of the victim girl and taking advantage of minor loneliness, he had molested her. The victim's mother came to know about it and lodged the complaint.

3. The contention of the petitioner is that the petitioner is residing in the same area as that of the victim and there is some misunderstanding between the petitioner's family and the victim's family and due to which the petitioner has been falsely implicated in this case. The petitioner had

not committed any such offence. Further the petitioner has no bad antecedents. The learned counsel for the petitioner further submitted that the petitioner is ready and willing to stay at his sister's place at Karanthangal Village, Valarpuram Post, Sriperumbudur Taluk, Kancheepuram District and he will not enter his residence No.19/1, Thirunavukkarasu Street, Triplicane, Chennai, till the completion of his case.

4. The learned Additional Public Prosecutor submitted that the petitioner aged about 36 years. The petitioner is married and has got a daughter who is also the same age of the victim, infact the victim in her statement had clearly stated and referred the petitioner as father of that girl. The petitioner taking advantage of the loneliness of the victim girl and absence of the mother, entered in to the house and molested her on all sides. Further if the petitioner was to be granted bail, he would be a threat to the victim girl and her family. Since both reside in the same area, objected for bail. He further submitted that the investigation in this case is completed and charge sheet is ready to be filed.

5. Considering the submissions and materials and considering the completion of investigation, charge sheet ready, taking into consideration of the petitioner's incarceration and on the undertaking given by the petitioner that he will not enter his residence, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d)The petitioner shall stay at his sister's house at Karanthangal Village, Valarpuram Post, Sriperumbudur Taluk, Kancheepuram District. The petitioner shall not stay at No.19/1, Thirunavukkarasu Street, Triplicane, Chennai.

(e) the petitioner shall report before the respondent police as and when required for interrogation.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

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

M.NIRMAL KUMAR,J.

Arb

6. With the above directions, this Criminal Original Petition is ordered.

19.06.2020

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
arb

To

1. The learned XIII Metropolitan Magistrate,
Chennai.

2. The Superintendent,
Central Prison, Puzhal,
Chennai.

3. The Inspector of Police,
All Women Police Station,
Triplicane, Chennai – 600 002.

4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.8892 of 2020