

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11810 of 2020

Abhinesh

... Petitioner

Vs.

State Rep by the
Inspector of Police
Arakkonam Taluk Police Station,
Vellore District.
Cr.No.384 of 2020

... Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in crime No.384 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Manivelan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.06.2020 for the offences punishable under Sections 294(b), 354, 354(b), 448 and 506(1) of IPC in Crime No.384 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Asiwinini is that on 17.06.2020, when her husband was not at home, the petitioner along with two other accused entered into her house and attempted to outrage her modesty. When she raised alarm, the accused escaped from the place. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives. The petitioner is native of Bangalore and he had come to Arakkonam for his personal work and due to Covid period he was staying at his relative's house and a false complaint has been given due to previous enmity. He would further submit that the petitioner has been suffering incarceration from 18.06.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused, trespassed into the house of the defacto complainant when her husband was not at home and attempted to outrage her modesty. When she raised alarm, they escaped from the place and later, they were arrested. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Arakkonam, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 report before the respondent police daily at 10.30 a.m. until further orders.

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

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

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

(h) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

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

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

-sd/-

05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. M.MANIVELAN Advocate on payment of necessary charges

CRL OP.11810/2020

Date :05/08/2020

RVR 11/09/2020

WEB COPY