

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 12804 of 2020

Karthi (Male/aged 29 years),
S/o.Rethinam,
South New Street,
Narthangudi Village,
Valangaiman Taluk,
Thiuvvarur District.

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.

Crime No. 1591 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1591 of 2020, on the file of the Inspector of Police, Valangaiman Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. 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 20.07.2020 for the offences punishable under Sections 448, 376 and 511 of IPC in Crime No. 1591 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant, viz., Pakiriammal, who is aged about 60 years, is that on 18.07.2020 about 12.30 a.m., in the night, while she was sleeping in her home, the petitioner had entered into her home and attempted to commit rape on her. Hence, the complaint.

<https://hcservices.courts.gov.in/hcservices/> The learned counsel appearing for the petitioner would

submit that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity between the family members. He would submit that the petitioner was arrested on 20.07.2020. He would submit that even as per the complaint, only an attempted is stated to have been made. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate appearing for the respondent would submit that the petitioner had trespassed into the house of the defacto complainant during mid night and attempted to rape her. He would submit that the age of the petitioner is 29 years and age of the defacto complainant is 60 years. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 20.07.2020, 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 executing 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) the petitioner shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned District Munsif cum Judicial Magistrate, Valangaiman, Thiruvavarur District, 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 on release from prison stay at Muthupettai and report before the Muthupettai police station everyday at 10.30 a.m. and 05.30 p.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 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];

(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/-
24/08/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN
THIRUVARUR DISTRICT

2 THE OFFICER INCHARGE
SUB-JAIL, THIRUTHURAIPOONDI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
MUTHUPETTAI POLICE STATION,
MUTHUPETTAI

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.12804/2020

Date :24/08/2020

RD 04/09/2020