

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.13728 of 2020

M.Selvarasan
S/o.Murugan

... Petitioner/ Accused

Vs.

The State Represented by,
The Inspector of Police,
Bagayam Police Station,
Vellore District.

(Crime No. 1149 of 2020) ...Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioner on bail in Crime No. 1149 of 2020 on the
file of the respondent police.

For Petitioner : Mr. S.Raja Ravi Varma

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial
Custody on 08.08.2020, for the offences punishable under Sections [*]
294(b), 354A, 447 of IPC r/w Section 12 of POCSO Act read with Section
4 of TNPHW Act, in Crime No.1149 of 2020, on the file of the
respondent police seeks bail.

2 The case of the prosecution as per the defacto complainant
viz., Narmadha is that on 07.08.2020, the petitioner has
trespassed into her house and assaulted the defacto complainant and
her mother. Hence, the complaint.

3 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. He would submit that the petitioner
and the defacto complainant belong to the same community and they

were friendly with each other. He would submit that the father of the defacto complainant suspecting that the petitioner was having an affair, has given a false compliant against the petitioner before the respondent police and the petitioner was arrested on 08.08.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had stalked the defacto complainant for several days and used to speak with her and when it was questioned by the father of the defacto complainant, the petitioner had trespassed into the house of the defacto complainant and assaulted the defacto complainant and her mother. He would submit that there is no previous case pending against the petitioner. He would submit that the Statement under Section 164 Cr.P.C has been recorded from the victim girl. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the petitioner is in jail from 08.08.2020, 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 execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Vellore, Vellore District, within 15 days from the commencement of the Court's normal functioning, 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 Vellore and report before the Sathuvachari police station everyday at 10.30 a.m., until further orders and it is made clear that the petitioner shall not enter into the jurisdiction of the respondent police station.

(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/-
10/09/2020

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.

[*]Amended as per the order of this court dated 17/09/2020 made in CrI.Mp.No.5534/2020 in CrI.O.P.No.13728 of 2020.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE

4 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

5 THE OFFICER INCHARGE
SATHUVACHARI POLICE STATION,
VELLORE

CC to M/S S.RAJA RAVI VARMA Advocate on payment of necessary charges

CRL OP.13728/2020

Date :10/09/2020

RD 14/09/2020

RD 24/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>