

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18051 of 2020

Gangai Amaran

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
Crime No. 25 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 25 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.T.Shunmugarejeswaran
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 31.10.2020 for the offences punishable under Sections 451, 354A (1)(i), 376, 511, 506(i) of IPC, in Crime No. 25 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Mrs. Anitha, W/o.Mohan, is that her husband is working at Meenambakka, Chennai and he used to come to his native Village monthly once or twice and they are having one son. Whiles, on 30.10.2020 at about 10.00 p.m., while the defacto complainant was alone in her home, the petitioner had knocked the door, entered into her house, pushed her hand and also attempted to misbehave with her. While, the defacto complainant has shouted, the petitioner had ran away in backyard. 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 further submit that the petitioner is suffering incarceration from 31.10.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner and the defacto complainant are living the same street. Whiles, on 30.10.2020, the petitioner had entered into the defacto complainant's house and attempted to commit rape. While, the son of the defacto complainant had raised alarm, the petitioner had ran away in backyard. He would further submit that the Statement under Section 164 Cr.P.C has also been recorded from the victim. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and submissions made by the learned counsel and considering the period of incarceration by the petitioner from 31.10.2020, 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 condition to execute 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 Judicial Magistrate, (Additional Mahila Court - FTC), Thiruvannamalai and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Trichy and report before Town Police Station everyday at 10.30 a.m., for a period of three weeks and thereafter, report before the respondent police everyday at 10.30 a.m., until further orders.

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

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

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/11/2020

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,
[ADDITIONAL MAHILA COURT-FTC],
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE JAILER
SUB-JAIL, CHENGAM,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

6 THE OFFICER INCHARGE
TOWN POLICE STATION, TRICHY.

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

CRL OP.18051/2020

Date :24/11/2020