

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4713 of 2021

Silambarasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
W-24, All Women Police Station
Teynampet, Chennai
(Crime No.08 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.08 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.G.Santhosh Kumar

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offences punishable under Sections 376 and 506(i) of I.P.C, in Crime No.08 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner and the victim girl are neighbours and the petitioner kidnapped the victim girl and sexually assaulted her. Based on the complaint given by the mother of the victim girl, crime has been registered and the petitioner was arrested on 16.12.2020.

3. The learned counsel for the petitioner would submit that

both the petitioner and the victim girl loved each other and only the mother of the victim girl opposed their love and lodged a false complaint against the petitioner. He would further submit that the petitioner was in judicial custody from 16.12.2020 and now the investigation is over. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor opposed this bail application stating that the petitioner kidnapped the victim girl and sexually assaulted her. He would further submit that the investigation is almost completed. Hence, he opposed for grant of bail to the petitioner.

5. Considered the facts of the case and the fact that the investigation is almost completed and also considering the period of incarceration suffered by the petitioner, 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 his executing 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 XVIII Metropolitan Magistrate, Saidapet, Chennai 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, on his release from prison, shall appear before the respondent police daily 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;

(g) 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];

(h) 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/-

10/03/2021

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 XVIII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI.

5 THE SUPERINTENDENT,
THE CENTRAL PRISON,
PUZHAL, CHENNAI.

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.4713/2021

Date :10/03/2021

EP-11/03/2021