

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5285 of 2021

Ramachandhiran

... Petitioner

Vs.

State Rep. by
The Station House Officer,
All Women Police Station,
Viruthachalam,
Cuddalore District.
(Crime No.4 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.4 of 2021 on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 21.01.2021 for the offence punishable under Sections 448, 376, 511 of IPC in Crime No.4 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner is the neighbour of the defacto complainant. On 21.01.2021, when the wife of the defacto complainant, who is a deaf and dumb, was alone in the house, the petitioner said to have trespassed into the house and attempted to commit rape, when she resisted, he ran away from the house. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. due to civil dispute between the parties, he has been falsely implicated in this case. He is in jail from 21.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner tried to commit rape on the victim, who is a deaf and dumb lady, aged about 45 years. Investigation is almost completed.

5. Considering the facts and circumstances of the case, and the fact that 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 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 No.II, Viruthachalam 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 release from the prison, shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
17/03/2021

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 JUDICIAL MAGISTRATE NO.II,
VIRUTHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VIRUTHACHALAM, CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR NO. 3536

WEB COPY

CRL OP.5285/2021

Date :17/03/2021

MN-18/03/2021