

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.8240/2021

Logeswaran

.. Petitioner

Versus

State rep.by
The Inspector of Police
W35 All Women Police Station
Tambaram, Chennai.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with Crime No.5/2021 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(1)The petitioner, who was arrested and remanded to judicial custody on 05.03.2021 for the offences punishable under Sections 376 and 506[ii] of IPC in Crime No.5/2021 on the file of the respondent police, seeks bail.

(2)The case of the prosecution is that on 03.03.2021 at about 12.30 p.m., the petitioner committed the offence of rape on his sister-in-law at knife point. Hence, the complaint.

(3)The learned counsel for the petitioner submitted that the petitioner is innocent and he is in judicial custody from 05.03.2021 and he seeks the release of the petitioner on bail.

(4)The learned Additional Public Prosecutor strongly opposes this petition on the ground that the Medical Examination Reports are awaited and hence, prays for dismissal of this petition.

(5)It is seen from the submissions that the material part of the investigation in this case is over and that, only the Medical Reports are to be received.

(6)Considering the facts and circumstances of the case and also the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

(7)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 learned Judicial Magistrate, No.1, Tambaram and on further condition that:

a)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

b)the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

c)the petitioner shall not abscond either during investigation or trial.

d)the petitioner shall not tamper with evidence or witness either during investigation or trial.

e)On breach of any of the aforesaid conditions, the learned 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].

f)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/05/2021

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-I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
W35, ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARUMUGAM Advocate on payment of necessary charges
SR.NO. 6068

CRL OP.8240/2021

Date :12/05/2021

MN-13/05/2021



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