

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9230 of 2021

Delibabu

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
P6 Kodungaiyur Police Station,
Chennai.

... Respondent/Complainant

For Petitioner : Mr.P.thinesh

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the Petitioner on bail pending investigation in
Crime No.350 of 2021 on the file of the Respondent Police.

ORDER

The petitioner, who was arrested on 27.03.2021 for the offences punishable under Sections 354(A), 366 IPC and Section 4 of TN Prohibition of Harassment of Women Act in Crime No.350 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is a share-auto driver is said to have kidnapped the defacto complainant for the purpose of sexual harassment. When the defacto complainant shouted, she was rescued by the persons nearby.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he is in judicial custody from 27.03.2021 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposes this petition on the ground that the petitioner

tried to sexually abuse the defacto complainant. However, he clarified that there is no previous case against the petitioner.

5. Taking note of the facts and circumstances of the case and the fact that the petitioner is in judicial custody from 27.03.2021 and the substantial part of the investigation is over by now, this Court is inclined to grant to bail to the petitioner. 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 Additional Mahila Metropolitan Magistrate, Chennai 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 10.30 am., 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/-

13/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA METROPOLITAN MAGISTRATE,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
P6, KODUNGAIYUR POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

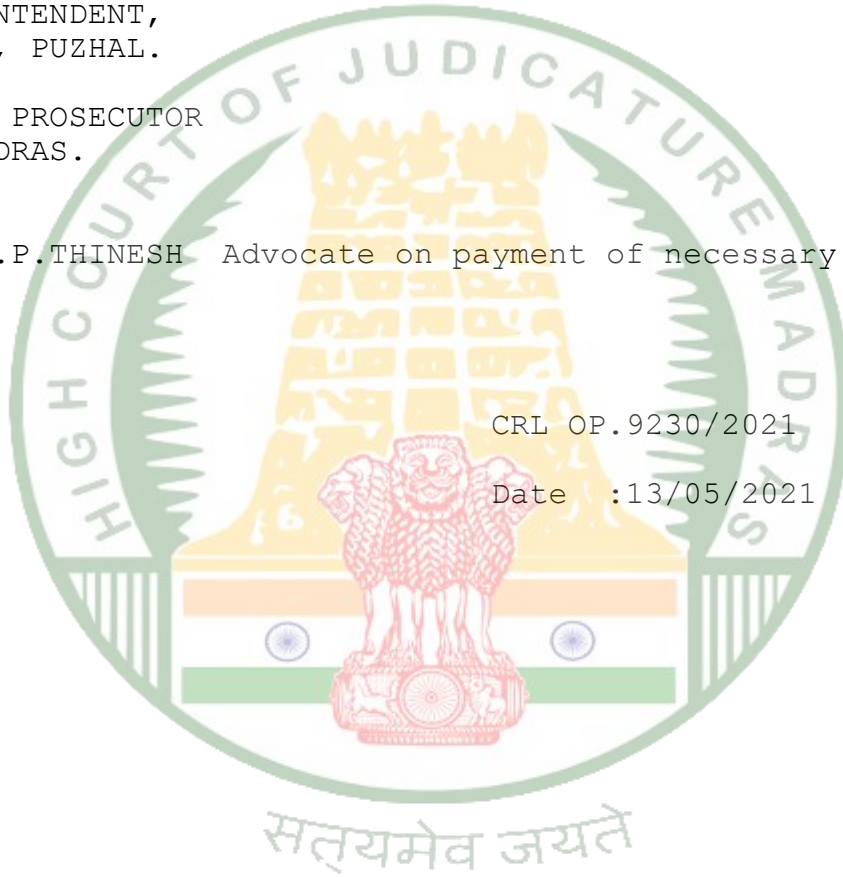
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9230/2021

Date :13/05/2021

MN-17/05/2021



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