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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.14474 of 2021

Krishnan

...Petitioner

Versus

State represented by
The Sub-Inspector of Police,
W-30, All Women Police Station,
Poonamallee,
Kancheepuram District.
(Crime No.11 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to release the petitioner on bail pending investigation in Crime No.11 of 2021 on the file of the respondent.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

O R D E R

The petitioner who was arrested on 11.07.2021 and remanded to judicial custody for the offences under Sections 376(1), 354 of IPC in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are close relatives. Further, the petitioner is alleged to have committed rape on the defacto complainant.. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 11.07.2021. He further submits that the date of occurrence was 27.06.2021 but the complaint was given only on 10.07.2021, a false complaint has been given. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the investigation has not been completed and there is no previous case against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

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5. Considering the facts and circumstances of the case and also the fact that the occurrence was taken on 27.06.2021 but, the complaint was given on 10.07.2021 after lapse of 13 days, the complaint was filed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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, Sriperumpudur, 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 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;

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

-sd/-

16/08/2021

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.



1 THE JUDICIAL MAGISTRATE,
SRIPERAMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE OFFICER INCHARGE,
DISTRICT JAIL, CHENGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
W-30, ALL WOMEN POLICE STATION,
POONAMALLEE, KANCHEEPURAM DISTRICT.

CC to M/S. G.MAGESHKUMAR Advocate on payment of necessary
charges Sr.8618

CRL OP.14474/2021

Date :16/08/2021

RVR 17/08/2021