



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19125 of 2021

Pazhanimurugan

..Petitioners

Vs.

The State of Tamil Nadu
Rep By the Inspector of Police,
Nellikuppam Police Station,
Panruti Taluk,
Cuddalore District.
Crime No.586 of 2021

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.586 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.S. Arunkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)
(IN CRL.OP.NO.19125/2021)

: M/S.S.SUGENDRAN
Government Advocate, (Crl.Side)
(IN CRL.MP.NO.11393/2021)

ORDER

The petitioner who was arrested and on 20.07.2021 and remanded to judicial custody for the offences under Sections 354-A(1)(i), 376,511,294(b) of I.P.C in Crime No.586 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner and the defacto complainant belong to different communities. Further, the petitioner had misbehaved with the defacto complainant and sexually assaulted her. Hence the law enforcing agency registered a case against the petitioner.



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 30.07.2021.

4. The learned Government Advocate (Crl.Side) submits this this is the fourth bail application and the earlier applications were dismissed by this Court. He further submits that investigation was almost completed and charge sheet has been not taken on file. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts that investigation is completed and charge sheet is 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, Additional Mahila Court, Cuddalore** 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.

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08/10/2021

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.

[*]Amended as per order of this court dated 09/11/2021 made in Crl.MP.NO.11393 of 2021 in Crl.O.P.No. 19125 of 2021

TO

**(*)1 Judicial Magistrate,
Additional Mahila Court,
Cuddalore**

2 THE JUDICIAL MAGISTRATE,
CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE, CUDDALORE
DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
PANRUTTI TALUK, CUDDALORE DISTRICT .

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

CRL OP.19125/2021

Date :08/10/2021

RW 11/10/2021

RW 23/11/2021