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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.24096 of 2021

Mohanraj

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
W-24 Teynampet All Women Police Station,
Chennai.
(Crime No.8 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.8 of 2021 pending on the file of the respondent pending investigation.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who were arrested and remanded to judicial custody on 18.11.2021 for the offences under Section 354 in Crime No.8 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.11.2021 one Panimalar lodged complaint before the respondent police stating that she was working in Rajiv Gandhi Hospital, Chennai in Corana Ward as Medical Officer for the past 4 months. The petitioner used to send messages in Whatsapp and used to call her in mobile while so on 06.09.2021, the petitioner called her in her mobile and said that the video in prepladder app video was not playing in his mobile. The complainant went to the petitioner's room she gave her phone to him and sat in the sofa, the petitioner was down loading the video from her mobile. Later he kept her slipper below the cot. 10 minutes later after downloading the video while he handed over the phone, he pulled the chair and sat near the sofa and after receiving the phone when she was about to go to her room. Immediately, she pushed the petitioner and moved away. Thereafter, from her back attempted to



hug her "Ithellam ondrum Thavarillai" and attempted to lift her, the petitioner had touched her breast after informing the petitioner "unless you leave, I will shout at the petitioner opened the door and let her out. Hence this case.

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3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection, but stating that the investigation almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, the petitioner being a Government Doctor, he will not abscond, if he released on bail, 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 their executing separate bonds 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 XVIII Metropolitan Magistrate, Saidapet, Chennai*, and on further conditions 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 as and when requires for interrogation and the petitioner shall not have any communication with the defacto complainant;

(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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-sd/-

10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
W24 TEYNAMPET ALL WOMEN POLICE STATION,
CHENNAI.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO.14491

CRL OP.24096/2021

Date :10/12/2021

CSK 10/12/2021