



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.24453 of 2021

Paulpandi

...Petitioner

Vs.

State by

...Respondent

The Inspector of Police
All Women Police Station
Udumalpet
Tiruppur District
(Crime No.20 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.20 of 2021 on the file of the Inspector of Police, All Women Police Station, Udumalpet, Tiruppur District.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under **Sections 376(2)(K) and 506(ii) of IPC**, in Crime No.20 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is the sister of the defacto complainant who is a mentally retarded person. On the date of occurrence, the victim came out from the house of the petitioner with her dress torn off and immediately verified the same and found that the petitioner had abused her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He



would further submit that the petitioner and the de facto complainant are the neighbors and there is already a land dispute between them due to that, a false complainant has been given against the petitioner in order to harass the petitioner by misusing the mental illness of the victim and the petitioner has been suffering incarceration for more than 50 days from 21.10.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the victim is a mentally retarded girl and she was sexually abused by the petitioner but admits that the statement of the victim has been recorded under Section 164 Cr.P.C. and the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, 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-I, Udumalpet,** 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 stay at Karur and report before the Town Police Station at 10.30 a.m, for a period of 2 months and thereafter, report before the respondent police as and when required for interrogation. The petitioner should not have any communication with the victim girl and her family and he should cooperate for the trial proceedings.

(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/-
15/12/2021

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,
NO.I, UDUMALPET, THIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALPET,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION,
KARUR.

+1 CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges SR.NO.14855

CRL OP.24453/2021

Date :15/12/2021

TA-15/12/2021