



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24870 of 2021

Dr.S.Vetriselvan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
W-24, All Women Police Station,
Teynampet, Chennai.
(Crime No.7 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.7 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan

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 18.11.2021 for the offences under Sections 376 and 506 (i) of IPC, in Crime No.7 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and the petitioner are registered medical practitioners. Both were employed at Rajiv Gandhi Medical College and Hospital at Chennai and was on Covid-19 duty. The Government had arranged for their quarantine stay at a private hotel at Teynampet, Chennai. On 05.08.2021, the de facto complainant went to the petitioner's room and the petitioner misbehaved and sexually assaulted the de facto complainant and committed rape. 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 that no such occurrence had happened. He would further submit that the petitioner has been suffering incarceration for more than 28 days from 18.11.2021, and the defacto complainant is also a major and both are friends. 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 164 statement was recorded 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 and that he is a doctor by profession, hence he will not abscond, 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 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 required for interrogation.

(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/-
17/12/2021

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 METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI CITY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges SR.NO.14983

CRL OP.24870/2021

Date :17/12/2021

MK:17/12/2021