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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.01.2022

CORAM:

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

Cr1.O.P.No.181 of 2022

Anbu Selvam

... Petitioner

Vs.

State by
The Inspector of Police,
Kanai Police Station,
Villupuram District.
(Crime No.267 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. 267 of 2021 on the file of the Kanai Police Station, Viullupuram District.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.12.2022 for the offences under Sections 342, 354A, 114 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in crime No.267 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that on 09.12.2021 at about 07.15p.m., near Perumpakkam, the Conductor of the State Transport Corporation bus bearing Registration No. TN 32 N 3441 sits closer to the defacto complainant and gave sexual harassment to her when she was travelling alone in the said bus and the petitioner who is the driver of the said bus did not stop the bus even though she shouted for help and thereafter, the defacto complainant jumped out of the bus and lodged a complaint before the respondent police.

3.The learned counsel for the petitioner submits that the petitioner is no way connected in this case and he has falsely



implicated in this case and he was suffering incarceration for more than 25 days from 10.12.2021. He further submits that the petitioner is the driver of the bus only. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) raised objection stating that while the defacto complainant alone traveling in the bus, the conductor of the bus sexually harassed her. Eventhough she shouted the petitioner/driver of the bus did not stop the bus and thereafter, the defacto complainant jumped out of the running bus. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that petitioner is the driver of the State Transport Corporation, if he is released on bail, there is no chance to abscond and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Fast Track Mahila Court, Villupuram District, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall appear before the respondent police on every Tuesday at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness during trial;

(f) 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;



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

-sd/-

07/01/2022

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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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VILLUPURAM.

2 THE INSPECTOR OF POLICE
KANAI POLICE STATION,
VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, VILLUPURAM.

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

CRL OP.181/2022

Date :07/01/2022

INBA-10/01/2022