



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

CrI.O.P.No.682 of 2022

Jeeva

.. Petitioner

Vs.

The State rep. by Inspector of Police,
All Women Police Station - Tiruchengode.
Namakkal District.
(Crime No.18 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 connection with case in S.C.No.62 of 2021 pending on the file of the learned Sessions Judge/Fast Track Mahila Court, Namakkal.

For Petitioner : Mr.R.Prabakar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.08.2021 for the offences under Sections 452, 354, 325, 376(1), 326, 506(ii) of IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002 in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that on 08.08.2021, when the victim lady, who is aged about 63 years, was in her house, the petitioner alleged to have raped her, due to which, one of her teeth also got broken. Further, the petitioner threatened her not to disclose the same to anybody. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 150 days from 10.08.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that this is the second bail application. The first bail application was dismissed by this Court on 08.11.2021. On instructions, the learned Government Advocate (Crl. Side) would submit that the investigation was almost completed and charge sheet also filed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and considering the age of the victim, who is aged about 63 years and she lost her teeth due to the said sexual harassment, this court is inclined to grant bail to the petitioner on condition the petitioner deposit a sum of Rs.30,000/- in Crime No.18 of 2021 at the time of executing sureties before the concerned court along with the following 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, Namakkal, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] After deposit of a sum of Rs.30,000/- in the Crime No.18 of 2021 as imposed, the complainant is permitted to withdraw the said amount on proper identification and acknowledgment;

[d] 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;

[e] the petitioner shall report before the respondent police on everyday Monday and Saturday at 10.30 a.m. until further orders and co-operate with the trial court proceedings till disposal of the case;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;



[h] 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;

[i] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/01/2022

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,
NAMAKKAL

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.PRABAKAR Advocate on payment of necessary charges
Sr.683

CRL OP.682/2022

Date :12/01/2022

RVR 24/01/2022