



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.8497 of 2022

Perumal

.. Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Thiruppathur District.
(Crime No.68 of 2022)

.. Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.68 of 2022 on the file of respondent police.

For Petitioner : Mr.M.Kalaiyarasan

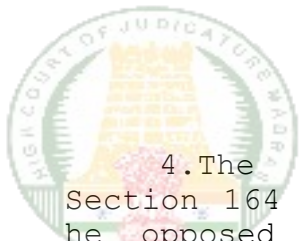
For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 07.02.2022 for the offences punishable under Sections 354(A), 376, 511 of IPC, in Crime No.68 of 2022, on the file of the respondent police, seeks bail.

2.The allegation made against the petitioner is that on 07.02.2022 at mid night, the petitioner knocked the door of the defacto complainant who is a deaf and dumb girl, who has no parents and relatives. When she opened the door, petitioner barged into the house and attempted to rape her. Since, she was deaf and dumb, she could not inform this to anyone immediately and later she informed this incident to her cousin brother viz, Babu who is working in Bangalore. He told her that he would come after one week and the complaint was given on 17.02.2022.

3.This is the second bail petition. The learned counsel for the petitioner submitted that investigation in this case is almost over. Already petitioner is in Judicial custody from 17.02.2022. Therefore, he prays for releasing the petitioner on bail.



4.The learned Additional Public Prosecutor submitted that Section 164 Cr.P.C. statement of the victim was recorded. However, he opposed this petition on the ground of the nature of the allegations.

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5.It is true that the allegation against the petitioner is that he tried to sexually assault the victim who is a deaf and dumb women. However, considering the fact that the investigation is almost completed. Section 164 statement of victim was recorded and that the petitioner was already in prison from 17.02.2002, this Court is inclined to grant bail to the petitioner with conditions:

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Ambur;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police for a period of two months, daily at 10.a.m.;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

29/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
AMBUR

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2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
AMBUR, THIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.M.KALAIYARASAN Advocate on payment of necessary
charges Sr.6529

CRL OP.8497/2022

Date :29/04/2022

RVR 29/04/2022