



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2022

CORAM:

THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.10922 of 2022

Sivaraman
Son of Valayutham
No.14822 Kannagi Nagar
Sholinganallur
Chennai 600 097

... Petitioner

Vs.

The Inspector of Police,
D-2, Anna Salai Police Station,
Anna Salai, Chennai.
(Crime No.708 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/Accused on bail Crime No.708 of 2021, which is on the file of Inspector of Police, D-2, Anna Salai Police Station, now transferred to W-2, All Woman Police Station, Triplicane, Chennai, in S.C.No.98 of 2022 on the file of Mahila Court, Chennai City Civil Court.

For Petitioner : Mr.K.Shyam Sunder

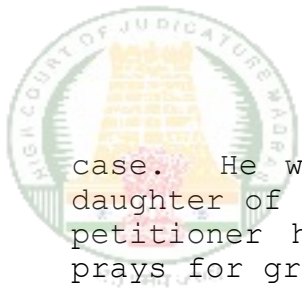
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner who was arrested on 20.09.2021 for the offence punishable under Sections 366, 417 and 376 IPC, in Crime No.708 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is 55 years old had lured the 18 years old victim girl and tied thali and had committed sexual assault on the daughter of the defacto complainant. Therefore, the case was initially registered under girl missing and later it came to be altered to one u/s.366, 417 and 376 IPC. Hence the complaint.

3.Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would further submit that the petitioner had married the daughter of the defacto complainant. He would further submit that the petitioner has been suffering incarceration for 233 days. Hence he prays for grant of bail to the petitioner.

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4.Learned Government Advocate (Crl. Side) would vehemently oppose stating that the accused who is aged about 55 years old had deceived the 18 years old girl and tied thali and committed sexual assault on her. He would further submit that originally a case was registered by the D2 Anna Salai Police in Crime No.708 of 2021 and after investigation, the F.I.R. was altered and transferred to W-2, All Women Police Station, Triplicane. The investigation in this case has been completed and charge sheet has been filed and taken on file in P.R.C.No.18 of 2021 before the Additional Mahila Court, Egmore, Chennai and it has been numbered as S.C.No.98 of 2022 on the file of Mahila Court, Chennai City Civil Court and posted for framing charges on 11.05.2022.

5.Considering the fact that the investigation in this case has been completed and charge sheet has been filed and taken in S.C.No.98 of 2022 for framing charges, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Mahila Court Judge, Allikulam, Chennai;

(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 is directed to appear before the trial Court on all hearing dates;

(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];



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

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-sd/-

11/05/2022

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 MAHILA COURT
ALLIKULAM, CHENNAI.

2 THE ADDITIONAL MAHILA COURT
EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE
D2, ANNA SALAI POLICE STATION,
ANNA SALAI, CHENNAI.

4 THE OFFICER INCHARGE,
W-2, ALL WOMEN POLICE STATION,
TRIPLICANE, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S K.SHYAM SUNDER Advocate on payment of necessary charges SR.No.6917

CRL OP.10922/2022

Date :11/05/2022

CSK 11/05/2022