



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11566 of 2022

MASILAMANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
KARUMANDURAI,
SALEM DISTRICT
CRIME NO.25 OF 2022

[RESPONDENT]

For Petitioner : M/S.SP.YUVARAJ Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.03.2022 for the alleged offence under Section 448, 324, 376 & 511 of IPC in Crime No.25 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner barged into the house of the defacto complainant and pushed her down and attempted to rape on her. On the alarm raised by the defacto complainant, the neighbours rushed to the scene of occurrence and the petitioner ran away from the house.

3. The learned counsel for the petitioner submitted that the petitioner has already suffered incarceration for nearly 74 days. It was further submitted that the petitioner has been falsely implicated in this case due to the money dispute and he is the only bread winner to sustain the livelihood of his family.



4. The learned Government Advocate Criminal Side submitted that the petitioner had raised defence as if there was a money dealing between him and the defacto complainant and hence a false complaint has been given. However there are absolutely no materials to substantiate the said defence and during the course of investigation, it has come to the light that the petitioner did forcibly entered into the house of the defacto complainant and attempted to rape her. The learned Government Advocate also submitted that this was an isolated incident and there are no previous antecedents against the petitioner.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. This is a case where the petitioner seems to have been driven by lust and had barged into the house of the defacto complainant and attempted to sexually assault her. The hue and cry made by the defacto complainant brought the neighbours around the house to the scene of occurrence and the petitioner is said to have escaped from the scene of occurrence. The petitioner is also attempting to develop a defence as if there was a money dispute between the petitioner and the defacto complainant and false complainant has been given against him. This was an isolated incident in which the petitioner was involved and there was no bad antecedents against the petitioner. That apart, the petitioner had suffered incarceration for nearly 74 days. The investigation has almost been completed and only the final report requires to be filed before the concerned Court.

7. Taking into consideration, the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail by subjecting him to stringent conditions.

8. 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 Judicial Magistrate No.I, Athur District and out of the two sureties, one should be the blood relative of the petitioner, 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 daily at 6.30 pm, until further orders.

[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 petitioners 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.

-sd/-

18/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, ATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
KARUMANDURAI,
SALEM DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.SP.YUVARAJ Advocate on payment of necessary charges
SR.NO.7340

CRL OP.11566/2022

Date :18/05/2022

JPA 19/05/2022