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Crl.OP.No.15020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.15020 of 2022

Pradeep

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Avadi Tank Factory Police Station,
Chennai.
Crime No.309 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to enlarge the petitioner on bail pending investigation in Crime No.309
of 2022 on the file of the respondent.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2022 for the offence under Sections 354(A)(1)(i), 354A(1)(ii), 354A(2), 354(C), 506(i) and 376(2)(n) IPC, in Crime No.309 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner sexually assaulted the victim under the threat that, he will upload the nude videos of the victim in social media. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is aged about 20 years and the defacto complainant is aged about 28 years. It is alleged that the petitioner's sister fell in love with the victim's brother and therefore the petitioner's mother lodged a complaint as against the brother of the victim girl, for which, enquiry is pending in C.S.R.No.354 of 2022 dated 26.05.2022 and only to escape from the clutches of law, a false complaint has been lodged against the petitioner as if the petitioner sexually assaulted the victim girl. That apart, the petitioner



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was arrested and remanded to judicial custody on 06.06.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the statement of the victim girl not yet recorded. However, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 06.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambattur** 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



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at 10.30.a.m., for a period of four weeks and thereafter as and when
required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

12.07.2022

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To



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1. Judicial Magistrate,
Ambattur.

2. The Inspector of Police,
Avadi Tank Factory Police Station,
Chennai.

3. Central Prison,
Chennai.

4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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