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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P. No.15437 of 2022

Periyasamy

... Petitioner/Sole Accused

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station
Pennagaram
Dharmapuri District
(Crime No. 06/2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to grant bail to the petitioner in Crime No. 06 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr. A.Sathishkumar

For Respondent : Mr. S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2022 for the alleged offence under Section 376(2)(L) of IPC in Crime No.06 of 2022 on the file of the respondent police, seeks bail.

2. The petitioner has been taken into custody on 13.04.2022 which would

indicate that he is in custody for 86 days till date. It is stated that the petitioner had



sexual intercourse with the defacto complainant and was subsequently, after complaint was given, been taken into custody. The earlier bail application had been dismissed on 01.06.2022. It is stated that investigation is completed. The statement of the victim has also been recorded. Taking into the period of incarceration, I would grant the benefit of bail to the petitioner by subjecting him to stringent conditions.

3. In view of the above discussion, 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) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Pennagaram 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 twice ie., morning at 10.30 a.m., and evening at 05.30 p.m., 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 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.

07.07.2022

Index : Yes/No
Internet : Yes/No
vsg

To

1. The Inspector of Police,
All Women Police Station
Pennagaram
Dharmapuri District
2. The Public Prosecutor,
High Court of Madras,
Madras.



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C.V.KARTHIKEYAN, J.

Vsg

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