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Crl.O.P.No.17628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

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

Crl.O.P.No.17628 of 2022

Murugan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Avalurpettai Police Station,
Villupuram District.
Crime No.176 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.176 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.R.Sasikumar

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



Crl.O.P.No.17628 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the offences punishable under Sections **448, 354, 511, 509 of IPC** in Crime No. 176 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, victim girl is a mentally retarded person. It is alleged that the petitioner entered into the house of the defacto complainant and thereby misbehaved with her. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner is in Judicial Custody from 22.06.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



Crl.O.P.No.17628 of 2022

respondent submitted that the petitioner attempted to rape the defacto complainant's sister, who is a mentally retarded person. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 22.06.2022, this Court is inclined to grant bail to the petitioner

6. 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Session's Judge, Magalir Neethi Mandram (Fast Track Court), Villupuram** 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 stay at Chennai and report before the Washermenpet Police Station twice daily at 10.30.a.m., and



Crl.O.P.No.17628 of 2022

04.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30.a.m., and 04.30.p.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.

28.07.2022

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To

1. Session's Judge,



Crl.O.P.No.17628 of 2022

WEB COPY

Magalir Neethi Mandram (Fast Track Court),
Villupuram.

2. The Inspector of Police,
Avalurpettai Police Station,
Villupuram District.
3. Sub Jail, Gingee,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras



Crl.O.P.No.17628 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.17628 of 2022

28.07.2022