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CrI.OP.No.18863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18863 of 2022

Palani

...Petitioner

Vs.

State By;

The Inspector of Police,
C-4, R.G.G.G.H Police Station,
Chennai

C4- Crime No.60/2022.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.60 of 2022 on the
file of the respondent police.

For Petitioner	: Mr.S.Kesavan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 04.07.2022 for the offences punishable under Section 354 of
IPC and 4 of TNPHW Act in crime No.60 of 2022 on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that on 30.06.2022, the petitioner herein who worked as a Ward man assistant in the Rajiv Gandhi Govt. General Hospital alleged to have outraged the modesty of the *de-facto* complainant who was admitted as in-patient in the Govt. General Hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 04.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had outraged the modesty of the *de-facto* complainant. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 04.07.2022, this Court is inclined to grant bail to the petitioner. 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 **VIII Metropolitan Magistrate Court, George Town, Chennai**, 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 twice daily at 10.30 a.m. and 5.30 p.m. for a period of six 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



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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.

10.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The VIII Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Inspector of Police,
C-4, R.G.G.G.H Police Station,
Chennai.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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