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CrI.OP.No.21304 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

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

CrI.OP.No.21304 of 2022

Kumaran

...Petitioner

Vs.

State Rep By:
The Inspector of Police,
AWPS, Ponneri,
Thiruvallur District,
Crime.No.3 of 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.3 of 2022 on the
file of All Women Police Station, Thiruvallur.

For Petitioner	:Mr.M.J.Nissar Ahmed
For Respondent	:Mr.S.Santhosh
	Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 07.07.2022 for the offences punishable under Sections 450,
354, 376, r/w 511 of IPC and Section 4 of Women Harassment Act in



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Crime No.3 of 2022 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner had bitten the lips of the de-facto complainant's mother aged about 65 years, who is a bedridden person and attempted to commit rape on her. Hence, the complaint.

3. The learned counsel appearing for the petitioner produced the affidavit of the *de-facto* complainant, who is none other than the own son of the victim, who lodged the complaint. The affidavit reveals as follows:

" I am the Defacto/Complainant and the petitioner Mr.Kumaran are all relatives and we are all versed with each other. Due to some misunderstanding among the family we are distressed with each other. On the incident day due to some quarrels and mental agony, I have given a complaint with police station and further enquiry with the relatives including the victim, understood that no such incident was happened and the Petitioner has not involved in the incident.

Now, as I understand the real fact I have come



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forward for an amicable sort out the issues with the petitioner as being a relative agreed to withdraw all the complaints/petitions and such other claim made before this Hon'ble Court.

Therefore I have no objection to grant bail to the petitioner and assures to withdraw the case filed with Crime No.3 of 2022 on the file of the first respondent and all or any legal proceedings initiated against the petitioner"

4. It seems that the petitioner and the victim are close relatives and due to previous enmity, the complaint has been lodged by her son.

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., on 07.07.2022, 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 **J M Court 1 at Ponneri**, 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



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daily 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.

07.09.2022

rgm/mpl



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G.K.ILANTHIRAIYAN, J.

rgm/mpl

To

- 1.The J M Court 1 at Ponneri.
- 2.The Inspector of Police,
AWPS Ponneri Police Station,
Thiruvallur District.
- 3.Ponneri Sub Jail, Thiruvallur.
- 4.The Public Prosecutor,
High Court of Madras.

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