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Crl.O.P.No.22320 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

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

Crl.O.P.No.22320 of 2022

Selladurai

..Petitioner

Vs.

The State rep by,
The Sub Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
Crime No.61 of 2022.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with S.C.No.58 of 2022, on the file of the Principal Sessions and District Judge, Ariyalur and pending Trial.

For Petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.02.2022 for the alleged offence punishable under **Sections 294 (b), 354 (A), 307, 506 (ii) IPC r/w Section 4 of Tamil Nadu**



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Prohibition of Harassment of Women Act, 2002 in Crime No.61 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the de-facto complainant are neighbours. It is alleged that the petitioner had misbehaved with the de-facto complainant on several occasions and abused her in filthy language and made a criminal force with intent to outrage the modesty of her and attempted to murder and also made a cut injury. Hence, the complaint was registered as against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 10.02.2022. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner used to misbehave with the de-facto complainant, since her husband is in abroad.

The petitioner not only misbehaved with the de-facto complainant on one



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occasion but on several occasions and finally he attached the de-facto complainant and she sustained grievous injuries. He further submitted that the charge sheet has also been laid and the injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Considering the above facts and circumstances of the case and taking note of the fact that the injured discharged from the hospital and also period of incarceration i.e, the date of arrest on 10.02.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail, before the learned Judicial Magistrate Court No.I, Jayankondam on condition that the petitioner shall execute 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 respondent police failing which, the petition for bail shall stand dismissed and on further condition 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.



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[b] the petitioner shall report before the Principal Sessions and District Judge, Ariyalur daily Morning at 10.30 a.m and Evening at 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 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.

16.09.2022

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To

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1.The Judicial Magistrate Court No.I, Jayankondam.

2. The Principal Sessions and District Judge, Ariyalur

3. The Sub Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

4.The Public Prosecutor,
High Court of Madras.

5.Sub Jail,
Jayankondam.



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G.K.ILANTHIRAIYAN, J.

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