



Crl.OP.No.21465 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21465 of 2022

Ganeshamoorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
(Crime No.277/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioner on bail in Crime No.277 of 2022 on the file
of the respondent police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2022 for the offences punishable under Sections 448, 294(b) and 506(ii) of IPC r/w Section 4 of TNPHW Act, in Crime No.277 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 08.08.2022, at night hours, while she was alone at home, the accused had trespassed into her house and sought for sexual favour from her and also attempted to sexually abuse her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to financial dispute pending between the petitioner and the defacto complainant's husband. He would also submit that the defacto complainant's husband owing money to the petitioner, when it was demanded, a false complaint has been given as against the petitioner and the petitioner is in custody from 08.08.2022. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner and the other, who are neighbour of the defacto complainant, trespassed into the house of the defacto complainant and demanded for sexual favour from her and also attempted to sexually abuse her. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner is in custody from 08.08.2022 and also considering the period of incarceration suffered by the petitioner, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Vth**



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Metropolitan Magistrate, Egmore, 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 stay at Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore daily morning at 10.30 a.m., and evening at 05.30 p.m, until further orders;

[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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

07.09.2022

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To

1. The Vth Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
3. The Inspector of Police,
Old Town Police Station,
Cuddalore.
4. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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