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Crl.O.P.No.23765 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.23765 of 2022

Vinayagam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
(Crime No.137 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.137 of 2022 on the file of the respondent Police.

For Petitioner : Mr.V.R.Appaswamee

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 19.08.2022, for the offences punishable under Sections 341, 354, 355, 306 of IPC r/w Section 4(B)(1) of Tamilnadu Prohibition of Women Harassment Act, 2002, in Crime No.137 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Mala is that the accused, who is the neighbour, had given sexual torture to his daughter, who is aged about 18 years. Thereby, the defacto complainant and her husband had given a complaint to the Panchayat President and he was called and reprimanded by the Panchayat President. While being so, on 14.06.2022, while her daughter was going, the petitioner had once again harassed her and they have also informed the wife of A1/petitioner herein, not to interfere. Whereas, the wife of the A1 had abused her and also assaulted her with slippers, due to which, the victim committed suicide by hanging on 17.06.2022. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and based on a false complaint, he has been arrested and remanded to judicial custody. He would also submit that there was a quarrel between the petitioner's wife/A2 and the victim girl on account of the petitioner's wife suspecting that the victim girl was having illegal relationship with the petitioner and thereby, the victim had committed suicide. He would also submit that the petitioner has not committed any act to abet the victim girl to commit suicide. He would further state that the petitioner was arrested on 19.08.2022 and the major part of the investigation is over and A2, who is the wife of the petitioner, who is stated to have assaulted the victim, has been granted anticipatory bail by this Court in Crl.O.P.No.14988 of 2022 on 30.06.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is the neighbor of the victim had committed sexual torture on the victim girl and the petitioner's



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wife had assaulted the victim girl with slippers, due to which, she committed suicide by hanging. He would also submit that the wife of the petitioner has been granted anticipatory bail by this Court in Crl.O.P.No.14988 of 2022 on 30.06.2022. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, and also taking note of the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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)** each with **two sureties**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate, Cheyyar**, 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 Inspector of Police, North Beach Police Station, Chennai, daily at 10.30 a.m., and 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.

10.10.2022

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To

- 1.The Judicial Magistrate, Cheyyar.
2. The Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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