



Crl.O.P.No.23638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

**Crl.O.P.No.23638 of 2022**

Silambarasan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
K-11, C.M.B.T. Police Station,  
Chennai.  
(Crime No.374 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in Crime No.374 of 2022, pending  
investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 04.09.2022, for the offences punishable under Sections 109 & 509 of IPC



CrI.O.P.No.23638 of 2022

and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.374 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner misbehaved with the defacto complainant while travelling in a bus. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been made as a scapegoat in the proceedings. He would also submit that even as per the First Information Report, the defacto complainant had stated that she had found the petitioner lying near her. He would further submit that it was a sleeper coach and the driver had allotted the seat to the petitioner and there is no allegation of misbehaviour on the part of the defacto complainant. He would further state that the defacto complainant questioned the driver of the bus and there was a quarrel and a false complaint has been given. He would also submit that the driver has been arrested and he has been released on bail. He would further reiterate that it is not the case of misbehaviour or harassment. Therefore, he prays for grant of bail to the petitioner.



CrI.O.P.No.23638 of 2022

WEB COPY

4. The Government Advocate (CrI.Side) appearing for the respondent police would submit that the petitioner was found sleeping in the sleeper coach bus along with the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.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 petitioner is in custody from 04.09.2022 and there is no allegation of misbehaviour or harassment as against the petitioner, 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**



Crl.O.P.No.23638 of 2022

**thousand only) with two sureties**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate Court-V, 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;**

[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]*;



WEB COPY



Crl.O.P.No.23638 of 2022

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

**28.09.2022**

rgi

To

1. The Metropolitan Magistrate Court-V,  
Egmore, Chennai.
2. The Inspector of Police,  
K-11, C.M.B.T. Police Station,  
Chennai.
3. The Superintendent,  
Central Prison,  
Puzhal.
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.No.23638 of 2022

**A.D.JAGADISH CHANDIRA., J.**

rgi

**Crl.O.P.No.23638 of 2022**

**28.09.2022**