



Crl.O.P.No.24103 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.24103 of 2022

Rameshkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peralam Police Station,
Peralam, Tiruvarur District.
(Crime No.390 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail in connection Crime No.390 of 2022,
pending on the file of the respondent Police.

For Petitioner : Mr.E.Balamurugan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.08.2022, for the offences punishable under Sections 448, 376 and 511



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of IPC in Crime No.390 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the neighbour of the defacto complainant had trespassed into the house of the defacto complainant and attempted to commit rape on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that on account of a previous enmity between the petitioner and the husband of the defacto complainant, a false complaint has been given as against the petitioner. He would also submit that the petitioner is in custody from 12.08.2022 and absolutely, there is no injury on the victim. 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, had trespassed into the house and attempted to commit rape on the defacto



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complainant. He would also submit that as per the medical evidence, there is no injuries on the victim lady. 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 the period of incarceration suffered by the petitioner from 12.08.2022, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Nannilam**, and on further conditions that:



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[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., 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]*;

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

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To

1. The Judicial Magistrate, Nanilam.
2. The Inspector of Police,
Peralam Police Station,
Peralam, Tiruvarur District.
3. The Central Jail, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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