



Crl.O.P.No.27765 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.27765 of 2022

Kanthan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Woman Police Station,
Villupuram, Villupuram District.

(Crime No.91/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.91 of
2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Shanmugavelu

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022 for the offences punishable under Sections 376, 342, 354(A), 354(D), 506(i), 452 and 511 of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.91 of 2022 on the file of the respondent police, seeks bail.

2. Based on the information from ES Private Hospital about the admission and treatment of the defacto complainant, a case in Crime No.91 of 2022 has been registered against the petitioner that he is the student of the defacto complainant and the defacto complainant had a brotherhood relationship with the petitioner before her marriage. Taking advantage of the same, he gave sexual harassment to her after her marriage. On 09.10.2022 at about 3.30 a.m., the petitioner came to her house and forced her to have intercourse with him and if not he insist her to commit suicide.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false



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complaint has been given against him. He would further submit that the petitioner is in custody from 10.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the student of the defacto complainant and the defacto complainant had a brotherhood relationship with the petitioner before her marriage. Taking advantage of the same, he gave sexual harassment to her after her marriage. On 09.10.2022, the petitioner came to her house and forced her to have intercourse with him and if not he insist her to commit suicide. He would further submit that the victim has been discharged from the hospital. 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) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court) Villupuram** 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 Salem and report before the Salem Town Police Station, on every Wednesday and Sunday at 10.30 a.m., for a period of three months.

(c) the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

(d)the petitioner shall not abscond 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.12.2022

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To

- 1.The Sessions Judge,
Magalir Neethi Mandram,
(Fast Track Mahila Court) Villupuram
- 2.The Inspector of Police,
All Woman Police Station,
Villupuram, Villupuram District.

T.V.THAMILSELVI,J.



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3.The District Jail,
Villupuram.

4.The Public Prosecutor,
High Court of Madras.

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