



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22440 of 2022

Surendar

... Petitioner/Accused

Vs

The State rep.by
The Inspector of All Women Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.6 of 2022

... Respondent/Complainant

For Petitioner : M/s.Modhi.C.D, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

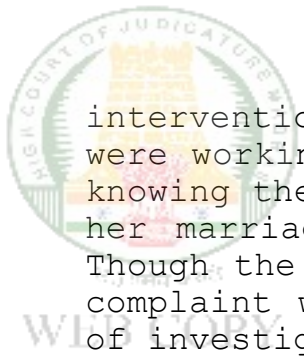
PRAYER :- For Bail in Crime No.6 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 01.11.2022 for the offences punishable under Sections 342, 354(B), 366, 376D, 506(2) of IPC r/w 67(A) of I.T Act and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.6 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Preetha is that the petitioner and the defacto complainant were colleagues in Amazon Company at Kancheepuram. During such time, the accused had proposed to love her and also compelled to love him. During January, 2022, while the defacto complainant was waiting in the bus stop, the accused came in a Car with his friends and kidnapped her. They detained her in a room and the accused along with his friends had sexually abused her. After three days, she was let out. Later, the defacto complainant came to know that the accused had taken obscene photos of her and forwarded the same to her relatives and friends, thereby spoiled her name. Hence, the complaint.

3.(i)The learned counsel for the petitioner would submit that this is the second petition for bail. The petitioner is innocent and a false complaint has been lodged against him, at the



intervention of the parents of the defacto complainant. When they were working in Amazon, there was a love affair between them and on knowing the same, the defacto complainant's parents had arranged for her marriage with one Gugan and taken her to their native place. Though the alleged occurrence was happened during January 2022, the complaint was lodged only on 31.10.2022. In this case, major part of investigation is completed.

(ii) Though the defacto complainant has stated in her complaint that petitioner and four other persons had ravished her life, in her 164 Cr.P.C statement, she had not made any allegations as against the four other persons. The petitioner is in judicial custody from 01.11.2022 and ready to abide any stringent condition, imposed by this Court. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner and four other persons kidnapped the defacto complainant and detained her in a room and also sexually assaulted her and let out her after 3 days and also threatened her not to disclose the same to anyone. They also took the obscene photographs of her and forwarded the same to her friends and relatives. However, he would concede that the victim in her 164 Cr.P.C statement, has not made any allegations as against any other person, other than the petitioner. He would also produce the CD file for verification. Considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

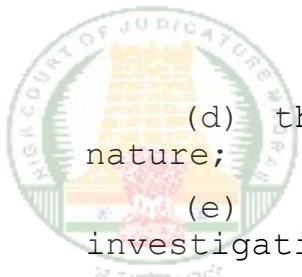
5. Heard the learned counsel appearing on either side and perused the materials placed before this Court, including the FIR, CD file, 164 Cr.P.C statement of the victim.

6. Taking into consideration the facts and circumstances of the case and without expressing any opinion, with regard to the merits of the case, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each (one surety shall be either father or mother of the petitioner) for a like sum to the satisfaction of the learned **Judicial Magistrate, Orathanadu**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Chennai and report before the Kelambakkam All Women Police Station daily at 06.30 p.m., until further orders;



(d) the petitioner shall not commit any offences of nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/12/2022

/ TRUE COPY /

20/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ORATHANADU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF ALL WOMEN POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KELAMBAKKAM AWPS POLICE STATION, CHENNAI.

+1. CC to M/S.MODHI.C.D Advocate SR.No.15152

ORDER IN

CRL OP(MD) No.22440 of 2022
Date :20/12/2022

PNM

SA/VR/SAR. /20.12.2022/3P/8C
<https://www.mhc.tn.gov.in/judis>