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Crl.O.P.No.889 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

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

Crl.O.P.No.889 of 2023

Thirunavukkarasu,
S/o.Pakkirisamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kattumannar Koil Police Station,
Cuddalore Dt.
(Crime No.502 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.502 of 2022 pending on the file of respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 28.11.2022 for the alleged offence under Sections 294(b), 448, 354 and 306 of I.P.C. r/w 511 of I.P.C. in Crime No.502 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is married for 12 years ago and childless and she had lent her anklets to the wife of the petitioner to pawn it to meet out emergency expenses and the petitioner's wife failed to return the same in the promised time, due to which, there was a quarrel between the defacto complainant and the petitioner's family. The petitioner frequently abused the defacto complainant in filthy language and on 21.11.2022, she consumed poison and thereafter she was taken to the hospital and she was rescued. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the relative of defacto complainant and they are neighbours and they are basically the same family. He would submit that he is an innocent person and he has not committed any offence as



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alleged by the prosecution. He would further submit that there is no existing dispute between the petitioner and the defacto complainant. He would further submit that the petitioner is ready to abide by any condition that may be imposed on him by this Court and the petitioner has been suffering incarceration for more than 57 days from 28.11.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent police would submit that the defacto complainant pledged his jewels with the petitioner's wife and she failed to return the same. When the defacto complainant asked about the return of jewels, the petitioner went into the defacto complainant's house and abused her in filthy language and commit sexual harassment on her due to which, she attempted to commit suicide by consuming poison. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the F.I.R. allegation, it would reveal that the petitioner used to cause annoyance to the victim in a drunken mood and stand in a nude manner without any dress. Considering the above facts and circumstances, and also considering the fact that the investigation



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almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Kattumannarkoil**, and on further conditions that:

(a) 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;

(b) the petitioner shall stay away from the place, where victim is residing;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months;

(d) the petitioner shall not commit any offences of



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similar 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The District Munsif cum Judicial Magistrate, Kattumannarkoil.
2. Inspector of Police, Kattumannarkoil Police Station, Cuddalore.
3. The Superintendent of Prison, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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