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Crl.O.P.No.3432 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2023

CORAM :

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

Crl.O.P.No.3432 of 2023

Murali,
S/o.Govindhasamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Veeranam Police Station,
Salem City.
(Crime No.5 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5 of 2023 pending on the file of respondent police.

For Petitioner : Mr.T.Ganesan

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



Crl.O.P.No.3432 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.01.2023 for the alleged offence under Sections 307, 354(A), 376 r/w 511 of I.P.C. in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 03.01.2023, when the defacto complainant, who is aged about 72 years, cutting grass for her sheep, the petitioner along with other accused came there in a vehicle and asked her to give koduval to cut leaf of coconut tree and got the same from her. Thereafter, when she asked to return her bill-hook, they pushed down her and attempted to misbehave with her. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is a M.Com. Graduate and he was functioning as Acting Driver for the advertisement vehicle. On the date of occurrence, he went to the place to advertise along with other accused, who belongs to same village,



Crl.O.P.No.3432 of 2023

WEB COPY

wherein, a local person gets koduval from her to cut coconut tree leaves, at that time, there was a wordy quarrel between them, in which the petitioner is no way connected with the offence. Hence, the entire allegation is false, vindictive, wanton and he has not at all committed any of offence as alleged by the respondent police and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 39 days from 04.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner along with other accused, who are belong to same village, have attempted to misbehave with a lady, who is aged about 72 years. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.3432 of 2023

WEB COPY

5. Considering the above facts and circumstances, and also considering the fact that the investigation 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 Addl. Mahila Court, Salem**, 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 report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of two months;

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

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



Crl.O.P.No.3432 of 2023

WEB COPY

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

(f) 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];

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

15.02.2023

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To

1. The Addl. Mahila Court,
Salem.
2. Inspector of Police, Veeranam Police Station,
Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.3432 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 3432 of 2023

15.02.2023