



Crl.O.P.No.5170 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

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

Crl.O.P.No.5170 of 2023

Panthalraj @ Panthalarajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.

(Crime No.276 of 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.276 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.12.2022, for the offences punishable under Sections 294(b), 451, 323, 506(i) of IPC and Section 5(m), 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.276 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that on 01.12.2022, the accused had trespassed into her house, abused her in a filthy language and assaulted her, further, threatened her to withdraw the case, which is pending on the file of the learned Additional District Judge, Namakkal, with respect to the murder of her husband. The further allegation is that on 02.12.2022, in the absence of the de-facto complainant, the first accused entered into the house of the *de-facto* complainant and sexually abused the minor daughter of the de-facto complainant. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the existing enmity between the de-facto complainant and the petitioner's family, a false complaint has been



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given against the petitioner. He further submitted that even as per the victim, the allegations are made only against the first accused, who is brother of the petitioner. He also submitted that the co-accused, mother of the petitioner has already been granted anticipatory bail by this Court in Crl.O.P.No.2845 of 2023 vide order dated 09.02.2023. He further submitted that the petitioner is in custody from 12.12.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner (A2) along with other accused, due to the previous enmity, trespassed into the house of the de-facto complainant and assaulted her and threatened her with dire consequences and also sexually abused her minor daughter. He further submitted that Statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record



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including the Statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the Statement recorded under Section 164 Cr.P.C., 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Mahila Judge, Namakkal District**, 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 Attur and report before the Inspector of Police, Attur Police Station, everyday at 10.30 a.m., and 5.30 p.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits



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of the respondent police, 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.

06.03.2023

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To

1. The Mahila Judge Court,
Namakkal District.
2. The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Attur Police Station,
Salem District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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