



Crl.O.P.No.6531 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6531 of 2023

Pandiyakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Attur Police Station,
Salem District.

(Crime No.17 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.17 of 2022, pending on the file of respondent Police.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2023 for the offences punishable under Sections 354(1)(i), 294(b), 323, 324, 506(i) of IPC @ Sections 294(b), 323, 324, 376(2)(1), 450, 355 of IPC in Crime No.17 of 2022, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the defacto complainant Jayanthi is that her mother, who is deaf and dumb, is living alone at North Tank Street, Thondamandurai. While so, on 15.05.2022, the accused have trespassed into the house of the defacto complainant's mother in the middle of the night and also attempted to misbehave with her mother. When she raised alarm, the accused had ran out of the house. After two days, the mother of the defacto complainant had informed one Sumathi, who is the mother of the petitioner stating that the petitioner has attempted to misbehave with her, whereas, the accused had assaulted her by saying that she is making a false allegation. Hence the case.

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



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has been given by the defacto complainant as if the petitioner has attempted to misbehave with her mother. He would further submit that the alleged first occurrence of attempted to misbehave is stated have taken place on 15.05.2022 and the assault is stated to have taken place on 17.05.2022, whereas, the complaint has been given only on 30.05.2022. He would submit that even taking into consideration, the allegations in the First Information Report would go to show that only an attempt was made by the petitioner against the victim. He would also submit the petitioner is in judicial custody from 11.02.2023 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 15.05.2022, the petitioner had attempted to misbehave with the mother of the defacto complainant, who is the deaf and dumb and when it was questioned by the defacto complainant and her mother, the accused along with his mother have abused and assaulted the mother of the defacto complainant on 17.05.2022. Hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration suffered by the petitioner, 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 Judicial Magistrate No.I, Attur** 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 Thiruvarur and report before the Inspector Police, Thiruvarur Town Police, daily at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police daily at 10.30 a.m., until further orders;



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[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.

23.03.2023

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To

1. The Judicial Magistrate No.I,
Attur.
2. The Inspector of Police,
AWPS Attur Police Station,
Salem District.
3. The District Jail,
Attur.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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