



Crl.O.P.No.7198 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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

Crl.O.P.No.7198 of 2023

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Kanchipuram.

(Crime No.8 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.8 of 2023 on
the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

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 05.03.2023, for the alleged offences punishable under Sections 376(D)(1), 509(A)(1), 354, 511, 376(1), 354A(2) of IPC, in Crime No.8 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, is that when his daughter, aged about 19 years is a sports girl, went to the house of her coach/accused in order to obtain her certificate, the accused had misbehaved with her and also attempted to rape her and further outraged her modesty. Hence the case.

3. Learned counsel appearing for petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a sports instructor and since the de-facto complainant's daughter/victim was not selected by the petitioner for a competition, the victim has given a false complaint against the petitioner, as if the petitioner had attempted to misbehave with her. He also



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submitted that the petitioner is no way connected with the alleged offence and he is in custody from 05.03.2023. He also submitted that major part of the investigation has been completed and he further reiterated that other than the allegation that the petitioner had attempted to outrage her modesty of the victim, there is no other material to show that the petitioner has committed rape on the victim. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who was working as a sports instructor, had invited the de-facto complainant's daughter/victim to his house, under the guise of giving her certificate, and had misbehaved with her and also attempted to commit rape on her. He further submitted that the statement has also been recorded from the victim girl under Section 164 Cr.P.C. However, he objected for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded under 164 Cr.P.C from the victim girl.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Kanchipuram**, 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 Pudukottai and report before the Inspector of Police, Pudukottai Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[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.

27.04.2023

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To

1. The Judicial Magistrate No.I,
Kanchipuram.
2. The Inspector of Police,
All Women Police Station,
Kanchipuram.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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