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Crl.O.P.No.7259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7259 of 2023

K.Balachandran

... Petitioner

Vs.

State represented by
The Inspector of Police
J-5 Crime, Shastri Nagar Police Station
Chennai.
(Crime No.32 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.32 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A.E.Ravichandran

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.03.2023, for the offences punishable under Section 354 (A) IPC r/w 4
of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.32 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution as per the defacto complainant Sujatha is that on 10.03.2023 at about 6.20 a.m. when she was riding a bicycle, an unknown person who came in a bike bearing Regn. No.TN 11 AE 7792 misbehaved and molested her by touching her badly. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case since, there was a quarrel between the petitioner and the defacto complainant on the date of occurrence while going on the road. He would submit that on the date of occurrence, the petitioner lost his control and accidentally touched the defacto complainant and that there was no intention to the petitioner to touch or misbehave with the defacto complainant. He would submit that the petitioner is a married man and having kids and that he has been suffering incarceration for more than 15 days from 14.03.2023. Hence, he would pray to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that there is a CCTV footage which shows that the petitioner had misbehaved with a



lady on the date of occurrence and based on the bike number found in the CCTV footage, the petitioner was arrested.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone 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 out of which, one surety shall be the wife of the petitioner**, each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet**, 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 report before the respondent Police, everyday at 10.30 a.m. 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.

31.03.2023

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To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police
J-5 Crime, Shastri Nagar Police Station
Chennai
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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