



CrI.O.P.No.9172 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

CrI.O.P.No.9172 of 2023

S.Dhamodaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.

(Crime No.91 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.91 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.J.Prakasam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2023, for the offences punishable under Sections 376 and 511 of IPC, in Crime No.91 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Revathi is that on 24.03.2023, while she was returning from her agricultural field, the accused, who is known to her, had attempted to commit rape on her, by dragging her inside a secluded place and since she raised an alarm, the neighbouring land owners came there and on seeing them, the accused has escaped from the scene of the occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false and fabricated complaint has been given by the defacto complainant. He further submitted that the petitioner belongs to a schedule caste community and he was humiliated by the husband and family members of the defacto complainant, in respect of which, on the complaint given by the petitioner, a case in Crime No.104 of 2023 has been registered by the respondent police for the offences under Sections



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294(b), 323, 506(i) of IPC and 3(1)(r), 3(2)(va), 3(1)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 and as a counter blast, a false complaint has been given against the petitioner. He also submitted that the major part of the investigation has been completed and the petitioner is in judicial custody from 29.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner and the defacto complainant are neighbours and the petitioner had attempted to commit rape on the defacto complainant. He also submitted that the investigation is still pending. Hence, he opposed 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that it is a case and a case in counter and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail



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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.10,000/- (Rupees Ten Thousand only)** with **two sureties** each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Kalasapakkam** 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 Chennai and report before the Inspector of Police, Flower Bazaar Police Station, 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



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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.

26.04.2023

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To

1. The District Munsif cum Judicial Magistrate,
Kalasapakkam.
2. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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