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Crl.O.P.No.12121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2023

CORAM:

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

Crl.O.P.No.12121 of 2023

R.Ajithkumar
S/o Rajendran

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
Arakandanallur Police Station,
Villupuram.

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.196 of 2023 on the file of the respondent police.

For Petitioner

:Mr.I.M.Siddartha Ramarajan

For Respondent

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

ORDER

The petitioner, who was arrested and remanded to judicial custody for the offence punishable under Sections 448, 354(A), 294(b),



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323 and 506 (1) of IPC r/w Section 4 of TNWH Act, in Crime No.196 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/Janaki is that the accused, who had come and stayed in his friend house, had misbehaved with her deaf and dumb sister, when she had gone out to attend her nature's call at night hours. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given. He further submitted that the petitioner had gone to stay in his friend's house and there was a quarrel between the petitioner's friend family and the defacto complainant's family, during which, the petitioner had assaulted the defacto complainant, whereas, a false complaint has been given, as if, the petitioner has misbehaved with the sister of the defacto complainant. He further submitted that though the alleged occurrence is stated to have taken place on 27.04.2023 at about 03.30 a.m in the morning hours and a belated complaint has been given only on 28.04.2023 at 22.00 hours after deliberation. He also submitted that the



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petitioner is in custody from 29.04.2023. 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 had come to stay in the house of the neighbour of the defacto complainant, during the night hours, the petitioner had misbehaved with the sister of the defacto complainant, when she had gone out to attend the nature's call. He further 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) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and 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.



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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, Tirukovilur, Villupuram** 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, Triplicane Police Station, daily 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



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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.

01.06.2023

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To

- 1.The Judicial Magistrate,
Tirukovilur, Villupuram.
- 2.The Inspector of Police,
Arakandanallur Police Station,
Villupuram.
- 3.The Sub-Jail
Tirukovilur.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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