



WEB COPY



Crl.O.P.No.13259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

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

Crl.O.P.No.13259 of 2023

1.Chandrasekaran
2.Ranjithkumar
3.Vignesh

... Petitioners

Vs.

State rep by
The Inspector of Police
Dusi Police Station,
Dusi, Tiruvannamalai District.
Crime No.212 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.212 of 2023 on the file
of the respondent police.

For Petitioners : Mr.G.Kadhiresan

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 21.05.2023 for the offences punishable under Sections 294(b),
342, 506(i), 376 r/w 511 of IPC in Crime No.212 of 2023 on the file of the
respondent police, seek bail.



WEB COPY

2. The case of the prosecution as per the defacto complainant/ Narmatha is that on 20.05.2023, while she was sitting along with her friend near the lake mud, the accused had come there, misbehaved with her and also attempted to commit rape on her and when she raised alarm, the public had come there and on seeing them, the accused ran away from the scene of occurrence. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against them. He further submitted that on 20.05.2023, at around 6.00 p.m., the defacto complainant and yet another male person had misbehaved with the villagers and the petitioners being the same villagers questioned them and there was a quarrel and the defacto complainant has given a false complaint, as if the petitioners attempted to molest her and to commit rape on her. He further submitted that there is absolutely no injury on the victim and other than there being a wordy quarrel, nothing had happened. He also submitted that the petitioners are in custody from 21.05.2023, hence, he prayed for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners along with other accused have attempted to molest the victim and also attempted to commit rape on her and when she raised alarm, the public had come there and on seeing them, the petitioners along with other accused ran away from the scene of occurrence. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsels and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioners and also of the fact that no one has been sustained injuries, this Court is inclined to grant of bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Tiruvannamalai** 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 petitioners shall stay at Chennai and report before the Inspector of Police, North Beach 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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.06.2023

vkrr



Crl.O.P.No.13259 of 2023

To

WEB COPY

1. The Judicial Magistrate No.I
Tiruvannamalai.
2. The Inspector of Police
Dusi Police Station,
Dusi, Tiruvannamalai District.
3. The Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13259 of 2023

A.D.JAGADISH CHANDIRA,J.,

vk

Crl.O.P.No.13259 of 2023

21.06.2023