



Crl.O.P. No. 11080 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.11080 of 2024

Sankar,
S/o.Chinappa

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Polur All Women Police Station (AWPS),
Tiruvannamalai Dt.
(Crime No.5 of 2024)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.5 of 2024 on the file of the respondent police.

For Petitioner

: Mr.E.Sathiyaraj

For Respondent

: Mr.V.Meganathan,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2024 for the alleged offence under Section 376(2)(n), 376(2)(1), 506(1) of I.P.C. in Crime No.5 of 2024 on the file of the respondent police, seeks bail.

2. Earlier, this court by an order dated 03.06.2024 granted interim bail on condition that the petitioner shall go for a DNA test as per manner known to law and adjourned the matter for reporting compliance.

3. Today, when the matter taken up for hearing under the caption “For reporting compliance”, learned counsel for the petitioner appeared and submitted that the petitioner undertake to appear for DNA test and cooperate with the trial proceeding. Hence, he seeks to grant bail.

3. Considering the facts and circumstances and also on considering submissions of petitioner's counsel, the interim bail granted by this court vide order dated 03.06.2024 is made absolute with certain conditions that



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[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) towards medical expenses into the credit of Crime No.5 of 2024 before the concerned Magistrate within a period of two weeks from the date of receipt of copy of this order and on such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement;

[b] the petitioner shall go for a DNA test as per manner known to law within a period of one week from the date of receipt of copy of this order;

[c] the petitioner report before the respondent police on every Tuesday at 10.30 a.m. for another period of two months;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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



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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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.07.2024

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To

1. Judicial Magistrate, Polur, Tiruvannamalai Dt.
2. The Inspector of Police, Polur All Women Police Station (AWPS), Tiruvannamalai Dt.
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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