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Crl.O.P.No.19117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19117 of 2024

Ganapathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thalaiyamangalam Police Station,
Tiruvarur District.
(Crime No.72 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.72 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.A.Kavimani

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.06.2023, for the alleged offences punishable under Section 302, 379,



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376 of IPC, in Crime No.72 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, is that on 05.06.2023, at 2.00 a.m, the petitioner attempted to rape the deceased Laxmi, committed murder, and stole the studs from the parts of her body. Hence the 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. He has not committed any offence as alleged in the FIR. He further submitted that due to malafide intention, this case has been registered as against the petitioner. The alleged occurrence took place on 05.06.2023 and the petitioner was arrested on 09.06.2023. The petitioner was arrested and is in judicial custody for more than 425 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner had attempted to rape the deceased and stolen studs from her ear. He would further submit that the entire property was recovered from the petitioner. He would further submit that the investigation was completed and the charge sheet has also been filed in SC.No.127 of 2023 pending on the file of the Sessions Judge, Fast Track Mahila Court, Tiruvarur. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel of either side, and considering the period of incarceration (425 days) undergone by the petitioner and also considering the fact that the entire property was recovered from the petitioner, and also considering the fact that the investigation was completed and the final report has also been filed and the case is posted for trial and considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Sessions Judge, Fast Track Mahila Court, Thiruvavarur, and on further conditions that:-

[a] the petitioner shall report before the Trial Court, on everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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drl

To

- 1.The Sessions Judge,
Fast Track Mahila Court, Thiruvaur.
- 2.The Inspector of Police,
Thalaiyamangalam Police Station,
Tiruvarur District.
- 3.The Central Prison,
Trichy.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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