



WEB COPY



CrI.O.P.No.20489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

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

CrI.O.P.No.20489 of 2024

Sivaraman

... Petitioner

Vs.

The State represented by
The Station House Office,
Orleanpet Police Station,
Puducherry
(Crime No. 132 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Crime No.132 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A. Anandharaj

For Respondent : Mr.M.V.Ramachandramurthy
Public Prosecutor,

Puducherry

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.06.2024, for the alleged offences punishable under Sections 328, 417



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and 376 of IPC, in Crime No.132 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused, who is the neighbour of the defacto complainant, gave drugged juice to the victim, had sexual intercourse with her, due to which, she become pregnant, subsequently, she delivered a female child. 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 would further submit that the petitioner is in judicial custody for more than 60 days. He further submit that the petitioner's wife was admitted in the hospital, and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, being a neighbour to the defacto complainant, on the date of alleged occurrence, gave drugged juice to



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the victim, at that time, the petitioner had induced the de-facto complainant, had sexual intercourse with her, due to which, she became pregnant and delivered a female child. He further submitted that the investigation in this case is almost completed and the petitioner has no previous case, pending against him. Hence, he 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 on either side, and considering the contents of the FIR and considering the period of incarceration undergone by the petitioner, investigation was almost completed and the petitioner has no previous cases pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Puducherry, and on further conditions that:-

[a] the petitioner shall report before the respondent police, 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].

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

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drl



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To

- 1.The Judicial Magistrate II,
Puducherry.
2. The Station House Officer,
Orleanpet Police Station,
Puducherry.
- 3.The Superintendent,
Central Prison, Puducherry
- 4.The Public Prosecutor,
Puducherry



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P.DHANABAL, J.

drl

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