



Crl.O.P.No.21143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21143 of 2024

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...Petitioner/Sole Accused

Vs.

The State rep by
The Inspector of Police
D-1, Triplicane Police Station,
Chennai
(Crime No.276 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.276 of 2024 on the file of respondent police.

For Petitioner : Mr.R. Rajadurai

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2024 for the offences under Sections 296(b), 126(2), 115(2), 132, 74, 75(2) of BNSS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.276 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant was returning to her home in her two-wheeler, the petitioner waylaid her, abused her in filthy language and harassed her sexually. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 12.08.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate appearing for the respondent submitted that the defacto complainant is a constable working in the armed force; that when the defacto complainant was returning to her home in her two wheeler, the petitioner waylaid her, abused her in filthy language and harassed her sexually. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Considering the submissions of the learned counsel on either side, the nature of offences charged against the petitioner, that there are no previous cases pending against the petitioner, and also considering the period of incarceration undergone by the petitioner, this Court is 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 **II Metropolitan Magistrate Court, Egmore, Chennai - 08** and on further conditions that:

[a] the petitioner shall report before the **Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders, without fail.**

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;



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[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.09.2024

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To

- 1.The II Metropolitan Magistrate Court, Egmore,
Chennai - 08
2. The Inspector of Police
D-1, Triplicane Police Station,
Chennai
- 3.The Central Prison, Puzhal
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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