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CRL O.P. No.21383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.OP.No.21383 of 2024

Thulasingham,
S/o.Ramakrishna

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Olakur Police Station,
Villupuram District.
[Cr.No.265 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.265 of 2024 on the file of the respondent police.

For Petitioner : M/s.Lavanya Thirumala
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 01.08.2024 for the offences punishable under sections 75 of BNS Act r/w. Section 4 of TNWH Act in Crime No.265 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.07.2024 at about 3.30 p.m. while the defacto-complainant washing her clothes at the rear side of her house, at that time, this petitioner arrived there and called her into the whip grove and also asked her to have a physical relationship. Due to the said act of the petitioner, the defacto-complainant shouted and called her husband, suddenly this petitioner ran away from the occurrence place. Hence, the complaint.

3. The learned counsel for the petitioner would contend that already there is a property dispute between the petitioner and the defacto-complainant, in pursuant to the same, the defacto-complainant gave a false



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complaint against this petitioner. There is no previous case as against this petitioner. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any conditions imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that while the defacto-complainant washing her clothes at the rear side of her house, this petitioner approached the defacto-complainant with bad intention and asked her to have a physical relationship. There is no previous case as against this petitioner. The petitioner was arrested and remanded to judicial custody on 01.08.2024. Hence, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence levelled against this petitioner, there is no previous case as against the petitioner and also considering the period of



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incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned **Judicial Magistrate No.II, Villupuram** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00a.m. for the period of 30 days;

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

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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;



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[f] the petitioner shall not abscond 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 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 269 B.N.S., 2023.

02.09.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

gvn



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P.DHANABAL,J

gvn

To

- 1.The Judicial Magistrate No.II,
Villupuram.
- 2.The Inspector of Police,
Olakur Police Station,
Villupuram District.
3. Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

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