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CrI.O.P.No.21642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

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

CrI.O.P.No.21642 of 2024

Jebakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-5 Pathirvedu Police Station,
Thiruvallur District.
(Crime No. 229 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.229 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Muthuramalingam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.05.2024, for the alleged offence punishable under Section 376(1), 302,
376D of IPC, in Crime No.229 of 2024, on the file of the respondent police,



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seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the dead body of a 30 years old woman in a half-nude condition was found near the agricultural field in S.No.93, at Madharpakkam Village. Initially the case was registered in Crime No.229 of 2024 under Section 176 of IPC. During investigation, it was revealed that the petitioner along with other accused, committed rape and murdered the deceased by assaulting her with stones and throwing the body inside a bush. Thereby, the case has been altered to the offence punishable under Section 376(1), 302, 376D of IPC.

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 submit that co-accused/A1 was released on bail. He also submitted that the detention of the petitioner under Goondas was revoked by this Court. He would further submit that the petitioner was arrested and is in judicial



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custody for more than 120 days and 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 there are three accused in this case and the petitioner herein is ranked as A3. He further submit that the petitioner is the friend of A1. During the investigation, it was revealed that the deceased, from North India, is a beggar woman has no parents, and that the petitioner along with other accused persons, brutally raped and assaulted the woman, after which the body was thrown into a bush. He further submitted that the petitioner has no previous case pending against him. He further submit that the investigation was completed and the charge sheet has also been filed. 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 submission made by the learned counsel on either side, nature of offence, investigation was completed and a charge sheet



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was also filed, and also considering the period of incarceration undergone by the petitioner, and the petitioner, who was already detained under Goondas and thereafter, the detention order was quashed by this Court, and there is no previous case 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 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 Judicial Magistrate, Gummidipoondi, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or



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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]; and

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

12.09.2024

drl

To

- 1.The Judicial Magistrate,
Gummidipoondi.
- 2.The Inspector of Police,
F-5 Pathirvedu Police Station,
Thiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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