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Crl.O.P. No.21605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.21605 of 2024

Kirubakaran

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Vadavalli Police Station,
Coimbatore City.
[Cr. No.256 of 2024]

... Respondent

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.256 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.08.2024 for the offence punishable under Section 75(2) of BNS and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.256 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a beauty parlour shop in Somayampalayam in Coimbatore District and there was some problem in her google pay scanner. While so, on 12.05.2024 the petitioner who is well-versed with the service was invited to repair the said google pay scanner work. In such circumstances, it is alleged that the petitioner came for the repair work started demanding her to give kiss and the petitioner refused to leave the spot. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely



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implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant is running a beauty parlor. On 12.05.2024 the petitioner contacted the defacto complainant through phone and informed that he came to the parlour for servicing Google Pay QR code. At the time, the defacto complainant alone in the parlour and taking advantage of the same, the petitioner misbehaved with the defacto complainant and sexually harassed her and continuously disturbed her by contacting through phone. Hence he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.



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6. Considering the representation made on either side and taking into consideration the nature of offence involved in this case and that there is no previous case as against the petitioner and also considering the period of incarceration, I am 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, Additional Mahila Court, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the respondent police every day, until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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.

[f] the petitioner shall not directly or indirectly make any



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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.

[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.

04.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl

P.DHANABAL,J.



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nsI

To

- 1.The Judicial Magistrate, Additional Mahila Court, Coimbatore.
- 2.The Inspector of Police,
Vadavalli Police Station,
Coimbatore City.
3. Central Jail, Coimbatore.
- 4.The Government Advocate (Crl.Side), High Court, Madras.

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