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CRL O.P. No.22947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22947 of 2024

Nandhu Lal S/o. Lalu ... Petitioner / Accused
Vs

State rep. by:-

The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai. ... Respondent
[Cr. No.358 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.358 of 2024 on the file of the respondent police.

For Petitioner : Mr. B.J. Santhosh Kumar

For Intervenor : Mr. M. Senthil Kumar

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 23.07.2024 for the offences punishable under sections 75 of B.N.S. Act, altered to Sections 64 read with 62 of B.N.S. 2023 in Crime No.358 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused is an employee under the Flat, where the defacto complainant is residing, on 15.07.2024, when the mother of the defacto complainant went to her native place and after knowing the same, the accused came to the defacto complainant's house and misbehaved inappropriately and when the defacto complainant tried to call 100 for police help, the accused threw her phone out and thereafter, the accused called the defacto complainant over phone and threatened her not to inform to anyone about the incident. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the defacto complainant has preferred a false case against the petitioner, that based on the said complaint, the respondent police have registered the FIR in Cr. No.358 of 2024 for the offences under Sections 75 of B.N.S.



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Act, altered to Sections 64 read with 62 of B.N.S. 2023, that he has not committed any offence as alleged in the FIR, that he is an innocent and he has been falsely implicated in this case, that the petitioner is working as an employee in a Flat, where the defacto complainant is residing and they were mutual friends, that they were in extra marital relationship, that the entire allegations are false, that the petitioner has been arrested and remanded to judicial custody on 23.07.2024 and hence he prayed to grant bail to the petitioner.

4. The learned counsel appearing for the intervenor would submit that the accused called by mobile phone and threatened on 15.07.2024, that the defacto complainant's mother had gone to their native place at Thrissur, that knowing well about the absence of the defacto complainant's mother, the accused came to the defacto complainant's house with an intention to rape her and the accused trespassed into the house and closed the door, covered the defacto complainant's mouth and committed rape on her and immediately, the defacto complainant called 100 for emergency and thereafter, the petitioner ran away from the place



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of occurrence. Further, the petitioner also called the defacto complainant over phone and threatened her not to give any complaint. The offences are grave in nature and the investigation is at initial stage. Hence she strongly opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal side) would submit that based on the complaint given by the defacto complainant, they registered the FIR for the offences under Sections 75 of B.N.S. Act, altered to Sections 64 read with 62 of B.N.S. 2023, that the offences are grave in nature and investigation is at initial stage and hence he strongly objected to grant bail to the petitioner.

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering the fact that they are residing in the same flats, considering the relationship between the parties, that the petitioner has no any previous case pending against him, considering the period of incarceration underwent by the petitioner and the material part of the



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investigation is almost completed, 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 **XXIII Metropolitan Magistrate Court, Saidapet, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10 a.m. until further orders.

[c] 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;

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



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[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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No

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Speaking/Non Speaking order

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TO

1.The XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2.The Public Prosecutor, Madras High Court, Chennai.

3.The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.

4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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