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Crl.O.P.No.23301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23301 of 2024

1. Murugan
2. Sankar @ Chandru @ Chandrasekaran

...Petitioners

Vs.

The State Represented by
The Inspector of Police
All Women Police Station,
Omalur, Salem District
(Cr.No.11 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.11 of 2024 on the file of respondent police.

For Petitioners : Mr.T. Balaji

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



CrI.O.P.No.23301 of 2024

WEB COPY

ORDER

The petitioners, who was arrested and remanded to judicial custody on 22.08.2024 for the offences under Sections 417,376 and 506(i) of I.PC in Crime No.11 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners committed rape on the victim girl, due to which the victim girl became pregnant. Hence, the complaint

3. Learned counsel for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioners have been in custody since 22.08.2024 ; that they are law-abiding citizen; that they are ready to furnish substantial sureties for due release on bail; and therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate opposes the grant of bail to the petitioners by stating that statement under Section 183 of BNSS, has also been recorded from the victim girl, wherein, she had reiterated the contention of the F.I.R. He further submit that major part of the investigation was completed and medical examination of the accused as well as the victim was completed and they are awaiting for DNA report. He also submitted there is no previous case, pending against him.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the statement recorded from the victim girl under Section 183 of BNSS,

6. Considering the submissions of the learned counsel on either side, the nature of offence charged against the petitioners, major investigation was completed medical examination of the accused as well as the victim was completed and also considering the period of incarceration undergone by the petitioner and taking note of the fact that there is no previous case, pending against the petitioners and also considering all others factors, I am inclined to grant bail to the petitioners,



CrI.O.P.No.23301 of 2024

subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Omalur** and on further conditions that:

[a] t the petitioners shall report before the respondent police everyday at 10:30 a.m until further orders.

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

[c] the Petitioners 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 Petitioners 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;



CrI.O.P.No.23301 of 2024

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

[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]; and

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

21.10.2024

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To

- 1.The **Judicial Magistrate, Omalur**
- 2.The Inspector of Police
All Women Police Station,
Omalur, Salem District
- 3.The Superintendent of Prison,
Central Prison, Salem
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.23301 of 2024

P.DHANABAL, J.

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Crl.O.P.No.23301 of 2024

21.10.2024