



Crl.O.P.No.23634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23634 of 2024

Palanisamy

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Aliyar Police Station,
Coimbatore,
(Crime No.124 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.124 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Kannan

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

ORDER



Crl.O.P.No.23634 of 2024

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The petitioner, who was arrested and remanded to judicial custody on 14.08.2024 for the offence under Sections 332, 75 and 351 of the BNS in Crime No.124 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant are neighbours; that when the victim girl was alone in the house, the petitioner tried to misbehave with the victim girl/daughter of the de facto complainant. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submitted that the petitioner and the victim girl are neighbours. He further submitted that the petitioner has been in custody since 14.08.2024; that the petitioner is a law-abiding citizen; and that the petitioner is ready to furnish substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner and the de facto complainant are



CrI.O.P.No.23634 of 2024

neighbours; that when the victim girl was alone in the house, the petitioner tried to misbehave with the daughter of the de facto complainant/victim girl; that the victim girl is deaf and dumb; and that there are no previous cases pending against the petitioner. However, he strongly opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that there are no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 learned *Judicial Magistrate - II, Pollachi*, and on further conditions that:

[a] the petitioner shall report before the respondent



CrI.O.P.No.23634 of 2024

police daily at 10.30 a.m. for a period of thirty days and thereafter as and when required for the interrogation;

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

[c] 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;

[d] 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;

[e] the petitioner 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 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

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



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Crl.O.P.No.23634 of 2024

26.09.2024

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To

- 1.The Judicial Magistrate - II,
Pollcahi.
- 2.The Sub Jail,
Pollachi.
- 3.The Inspector of Police,
Aliyar Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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Crl.O.P.No.23634 of 2024

Crl.O.P.No.23634 of 2024

26.09.2024