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CRL O.P. No.24918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24918 of 2024

Jayakumar

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
F5, Choolaimedu Police Station,
Chennai.
(Crime No.433 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No.433 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Akash

For Respondent : Mr.S.Vinoth Kumar
Government Advocate,
[Criminal side]



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ORDER

The Petitioner seeks bail in Crime No.433 of 2024 on the file of the respondent police for the offences punishable under Sections 296(b), 75, 78, 79 of BNS and 4 of Women Harassment Act. The petitioner was remanded to judicial custody on 09.09.2024.

2.The case of the prosecution is that when the defacto complainant was returning to home after her work, the petitioner had followed her and misbehaved with her in a very indecent manner and abused her in a filthy language and also threatened her with dire consequence. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that when the defacto complainant was returning to home after her work, the petitioner had followed her and misbehaved with her in a very indecent manner and abused her in a filthy language and also threatened her with dire consequence. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsel and considering the nature of allegations leveled against this petitioner and there is no previous case pending as against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is 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 **XVII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:



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[b] the Petitioner shall report before the respondent police on all working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

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

[e] the Petitioner shall not tamper with evidence or witness 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].

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

19.10.2024

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To
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- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
F5, Choolaimedu Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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