



Crl.O.P.No.27522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27522 of 2024

Kona Chandran

... Petitioners

Vs.

The State of Tamilnadu
rep by The Inspector of Police
Senkarai Police Station,
Namakkal District
(Crime No.35 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.35 of 2024 on the file of respondent police.

For Petitioner : Mr.K. Rajasekaran

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 30.08.2024, for the alleged offence punishable under Sections 332(b), 64(2), 351(2) of BNS in Crime No.35 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner who is a close relative of the defacto complainant consumed alcohol and was in a intoxicated mood and forcibly raped the victim girl. 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 further submitted that the petitioner has been in custody since 30.08.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail, therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner who is a close relative



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of the defacto complainant consumed alochol and was in a intoxicated mood and forcibly raped the victim girl. He further submitted that investigation was completed and the case was taken on file there is no previous case pending against the petitioner.

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

6.Considering the representation made on both sides, nature of offence, there is no previous case pending against the petitioner, that investigation was completed and the case was taken on file, taking into consideration the period of incarceration undergone by the petitioner and all other factors 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, Sendamangalam and on further conditions that:

[a] the petitioner shall report before the concerned



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Jurisdictional Magistrate on all working days at 10.30 a.m until further orders.

[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



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

30.10.2024

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To

1.The Judicial Magistrate, Sendamangalam

2.The Superintendent, Sub Jail, Namakkal

3.The Inspector of Police
Senkarai Police Station,
Namakkal District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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