



Cr1.O.P.No.27255 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.27255 of 2024

K.Annamalai
S/o.Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police
All Women Police Station
Villupuram
Villupuram District
(Crime No.85 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the Petitioner on bail, in Crime No.85 of 2024, on the file of the
Respondent Police.

For Petitioners : Mr.G.Magesh kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)



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ORDER

This Criminal Original Petition has been filed by the Petitioner, who was arrested and remanded to judicial custody on 06.10.2024, seeking bail in Crime No.85 of 2024 registered under Section 332(b), 127(2), 70(1) of BNS 2023.

2.The case of the prosecution is that on 10.08.2024, the accused persons in an inebriated condition trespassed into the house of the victim, who is aged about 69 years and committed rape on her. Hence the case.

3.Learned Counsel appearing for the Petitioner submitted that the Petitioner is an innocent person and false complaint has been given against him. He further submitted that A1 is none other than relative of the victim. He further submitted that though the alleged occurrence said to have been occurred on 10.08.2024, the complaint has been given only on 04.10.2024, after a period of two months. He further submitted that the medical report does not disclose any proof of rape on the victim. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



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4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the Petitioner is A2 in this case and friend of A1. A1 under the influence of alcohol trespassed into the house of the victim, who is aged about 69 years and committed rape on her. He further submitted that fearing problem in the family, the victim had not disclosed the same to anybody immediately and the complaint has been given after a period of two months, however, he objected for granting bail to the Petitioner.

5.Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the statement recorded from the victim under Section 183 BNSS, this Court is inclined to grant bail to the Petitioner with certain conditions.



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7. Accordingly, the Petitioner is ordered to be released on bail on his executing separate bond each for a sum of **Rs.15,000/- (Rupees fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioner shall stay at Chennai and appear before the Inspector of Police, North Beach Police Station, Chennai everyday at 10.30 a.m., until further orders;

[c] the Petitioner shall not abscond either during investigation or trial;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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



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in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

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

06.11.2024

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To

1.The Sessions Judge Magalir Neethi Mandram
(Fast Track Mahila Court)
Villupuram

2.The Inspector of Police
All Women Police Station
Villupuram
Villupuram District

3.The District Jail
Villupuram

4. The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police,
North Beach Police Station,
Chennai



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A.D.JAGADISH CHANDIRA.,J.

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