



Crl.O.P.No.28318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

Crl.O.P.No.28318 of 2024

Rajendhiran @ Rajendiran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
(Crime No.485 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.485 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Selvaraj

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.10.2024, seeking bail in Crime No.485 of 2024 registered for the offence under Sections 64(1) of The Bharatiya Nyaya Sanhita (2023).



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2. The case of the prosecution as per the defacto complainant is that, she was working as a helper under the petitioner in masonry work. On 04.10.2024, the accused had called her to collect her wages and when she had gone to the house of the petitioner, he had pulled her inside and committed rape on her and thereafter she escaped from the clutches of the accused and went to her home and on the next day, she had given complaint with the assistance of her sister. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and false case has been given by the defacto complainant. He further submitted that, defacto complainant is a divorcee and she was living with her mother and she was working under him as assistant, since she was not regular to the work, the petitioner had stopped her from work and settled her entire dues and since the defacto complainant demanded more money, there was a dispute between them and further more, on the previous day, defacto complainant had gone to the house of the petitioner and created a ruckus with the daughter of the petitioner and on the next day, she had given a false complaint as if the petitioner had committed rape on her. He



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would further submit that, medical record shows that defacto complainant is healthy women and there was no mark of violence on her body. He further submit that, petitioner is a married man having three children and it is highly unbelievable that rape has been committed in his house where his family members were living. He also submitted that the petitioner is in custody from 06.10.2024, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner had committed rape on the victim girl who was working as assistant under him and thus he opposed for grant of 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 including the statement of the victim girl recorded under Section 164 of Cr.P.C.

6. Taking into consideration the above facts and circumstances of



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the case, the submissions made by the learned counsel on either side and also considering 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate II, Panruti**, 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 report before the Inspector of Police, North Beach Town Police Station daily 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 petitioner in accordance



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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]***;

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

13.11.2024

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To

1. The Judicial Magistrate II,
Panruti.
2. The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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