



WEB COPY



Crl.O.P.No.29734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

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

Crl.O.P.No.29734 of 2024

P.Hari Krishna

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Villupuram All Women Police Station.

(Crime No.85 of 2024).

... Respondent

PRAYER :Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with Crime No.85 of 2024, pending investigation on the file of the
respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

Petition seeking bail in respect of Crime No.85 of 2024 registered
for the offences punishable under Sections 332(b), 127(2) and 70(1) of BNS
is on board for consideration.



Crl.O.P.No.29734 of 2024

WEB COPY

2. The incarceration of the petitioner/A1 being from 05.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is the relative of the victim and due to enmity, the victim had given a false complaint against the petitioner. He further submits that even as per the prosecution, the alleged occurrence is said to have been occurred on 10.08.2024, whereas, the complaint was lodged only after a lapse of two months i.e., on 04.10.2024. He also submits that the second accused has been enlarged on bail by this Court on Crl.O.P.No.27255 of 2024 dated 06.11.2024. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused, in an inebriated condition, trespassed into the house of the victim, aged about 69 years and committed gang rape on her. He further submits that fearing a problem in the family, the victim did not disclose the incident happened to her immediately. He further submits that the investigation is pending.



Crl.O.P.No.29734 of 2024

WEB COPY

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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 **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 report before the Inspector of Police, B1 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;



CrI.O.P.No.29734 of 2024

[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 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 of B.N.S.

28.11.2024

ham



CrI.O.P.No.29734 of 2024

WEB COPY

To

1. The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Villupuram.
2. The Inspector of Police,
Villupuram All Women Police Station.
3. The Superintendent,
District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.



WEB COPY



Crl.O.P.No.29734 of 2024

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.29734 of 2024

28.11.2024