



WEB COPY



Crl.O.P.No.28300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28300 of 2023

Sakthidasan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Fairlands Police Station,
Salem District.
Crime No.1115 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.1115 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 18.11.2023 for the offences under Sections 366, 307, 376 r/w 511 of IPC,



CrI.O.P.No.28300 of 2023

in Crime No.1115 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant had joined Surya Academy, at Salem for NEET coaching and had paid Rs.25,000/- and another sum of Rs.5,000/- and yet another sum of Rs.6,000/- Thereafter, she had asked the petitioner to clear doubts in Chemistry. For which, the petitioner had demanded further sum of Rs.4,500/-. She went and met to him in a hotel near Joyalukkas, Salem where, the petitioner took her to a room and tried to rape her and he then tried to assault her with a knife and she took the knife and stabbed him in the stomach.

3.It is stated that the investigation had been completed and the statement under Section 164 Cr.P.C has been recorded from the victim.

4.Taking into consideration the period of incarceration and all other surrounding circumstances, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 learned Judicial Magistrate No.V, Salem and on further conditions that:-



CrI.O.P.No.28300 of 2023

WEB COPY

[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 respondent Police, 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 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 229A IPC.

08.01.2024

vkrr

To

1.The Judicial Magistrate No.V, Salem.

2.The Central Prison, Salem.



WEB COPY



Crl.O.P.No.28300 of 2023

C.V.KARTHIKEYAN,J.

Vkr

3.The Inspector of Police,
Fairlands Police Station, Salem District.

4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.28300 of 2023

08.01.2024