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CRL O.P. No.31485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.31485 of 2024

Chandru @ Chandrasekar

... Petitioner / Accused

Vs

**State rep. by:-**

The Inspector of Police,  
Ambur All Women Police Station,  
Tirupathur District.  
[Cr. No.15 of 2024]

... Respondent

**PRAYER: -** The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.15 of 2024 on the file of the respondent police.

For Petitioner : Mr. T. Dhasarathan

For Respondent : Mr. S. Balaji,  
Government Advocate (Criminal side)

**ORDER**

The petitioner / Accused, who was arrested and remanded to judicial custody on 18.08.2024 for the offence punishable under Sections



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70, 115(2) and 351(3) of B.N.S. read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr. No.15 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.08.2024, at about 5 p.m., the daughter of the defacto complainant was walking nearby Immanuel Church, Chinna Bridge and at that time, this petitioner along with another, restrained her, taking her to the desolate place and forcibly raped her and also threatened her for not to reveal to anybody about the incident. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner for the alleged offences under Sections 70, 115(2), 351(3) of B.N.S. read with Section 4 of TNPHW Act and he was arrested and remanded to judicial custody on 18.08.2024. The petitioner is an innocent and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution and the earlier bail application filed by this



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petitioner was dismissed by this petitioner and he is in judicial custody for the past 4 months and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the father of the victim alleging that the petitioner along with another, restrained her daughter, while she was walking nearby Immanuel Bridge and forcibly raped her, the case was registered against the accused and this petitioner was arrested and remanded to judicial custody on 18.08.2024 and hence he strongly opposed to grant bail to the petitioner. Further he stated that the investigation was completed and charge sheet was also filed.

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

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that the petitioner is in judicial custody from 18.08.2024, already investigation was completed and charge sheet was also filed and also considering the fact



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that there is no previous case pending against this petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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, Ambur** and on further conditions that:

**[b] the petitioner shall appear before the Judicial Magistrate, Ambur on every working day at 10.30 a.m. until further orders;**

[c] the petitioner shall not commit any offence 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 abscond either during investigation or trial;



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[e] 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;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.12.2024

index: Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
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1. The Judicial Magistrate, Ambur
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Ambur All Women Police Station, Tirupathur District.
4. The Superintendent of Police, Central Prison, Vellore.

**P.DHANABAL,J**

**mjs**

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