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Crl.O.P.No.29050 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

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

Crl.O.P.No.29050 of 2023

Saravanan

... Petitioner

Vs.

The State of Tamil Nadu represented by

The Inspector of Police,

AWPS, Teynampet,

Chennai

(Crime No.5 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.5 of 2023 on the file of the respondent.

For Petitioner : M/s. S.N. Subramani

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2023, for the offences under Sections 354,376 and 511 of I.P.C in Crime No.5 of 2023 registered on the file of the respondent Police, seeks bail.



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2. The learned Government Advocate (Crl.Side) submitted that the mother-in-law of the defacto complainant is aged about 79 years. It is stated that the petitioner had attempted to commit the offence as stated and statement under Section 164 Cr.P.C has been recorded from the victim.

3.Taking all these factors into consideration and also considering the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 Metropolitan Magistrate No.XVIII, Saidapet, 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 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.



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[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.

02.01.2024

smn

To

1.The Metropolitan Magistrate No.XVIII, Saidapet

2.The Inspector of Police,
AWPS, Teynampet,
Chennai

3.The Central Prison, Puzhal

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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