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Crl.O.P.No.31962 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31962 of 2024

Seenuvasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS, Vandavasi,
Thiruvannamalai District.

(Crime No.23 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.23 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Chandrasekar

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

ORDER

Petition seeking bail in respect of Crime No.23 of 2024 registered for the offences punishable under Sections 62, 64, 75, 76, 78, 332(C), 351(2) of BNS Act 2023 r/w Section 4 of TNPWH Act, is on board for consideration.



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2. The incarceration of the petitioner being from 22.11.2024 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 an innocent person and that due to a family dispute, a false complaint has been given against him. He would submit that though the defacto complainant has claimed that the petitioner has attempted to forcibly rape her, there is absolutely no supporting evidence to show that the petitioner has committed the offence. He also submits that the major part of the investigation is over. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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, who is known to the family of the defacto complainant, had trespassed into her house and attempted to forcibly commit rape on her.



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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 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 **Judicial Magistrate, Vandavasi** 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, M4 Redhills Police Station, 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



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A.D.JAGADISH CHANDIRA., J.

Anu

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.

20.12.2024

Anu

To

1.The Judicial Magistrate, Vandavasi

2.The Inspector of Police,
AWPS, Vandavasi,
Thiruvannamalai District.

3. The Superintendent,
Central Prison, Vellore

4. The Public Prosecutor,
High Court of Madras.

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