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*CrI.O.P.No.31622 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

CrI.O.P.No.31622 of 2024

Selvam

... Petitioner

Vs.

State, Rep. by  
The Inspector of Police  
AWPS Dharmapuri  
Dharmapuri District  
(Crime No.53 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.53  
of 2024 pending on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

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

### **ORDER**

Petition seeking bail in respect of Crime No.53 of 2024 registered for  
the offences punishable under Sections 75(1)(ii) r/w.Sections 75(2), 76, 351(2) of  
BNS is on board for consideration.

2.The incarceration of the petitioner being from 02.12.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and the husband of the de facto complainant are involved in a property dispute. He also submits that the alleged occurrence is said to have happened on 27.11.2024, however, the complaint was given only on 01.12.2024. He also submits that the petitioner is no way connected with the alleged offences and he 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 petitioner, who is a relative of the husband of the de facto complainant trespassed into their house and attempted to sexually assault her and also threatened the de facto complainant and her husband.

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 Additional



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Mahila Court, Dharmapuri, 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 Salem and report before the Inspector of Police, Fairlands Police Station, Salem, everyday at 06.30 p.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police 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 269 of B.N.S.

18.12.2024

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**A.D.JAGADISH CHANDIRA, J.**  
*sai*

To

1.The Additional Mahila Court,  
Dharmapuri

2.The Inspector of Police  
AWPS Dharmapuri  
Dharmapuri District

3.The Superintendent,  
Sub Jail, Dharmapuri.

4.The Public Prosecutor,  
High Court of Madras.

5.The Inspector of Police  
Fairlands Police Station  
Salem.

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