



CRL OP(MD). No.14607 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14607 of 2024

Balamurugan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No. 139 of 2024).

... Respondent/Complainant

For Petitioner : M/s. Balaji.A.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in the Crime No. 139 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 14.08.2024 for the offences punishable under Sections 329(4), 296(b), 75(1)(i) and 351(3) of BNS and Section 4 of TNPHW Act, in Crime No.139 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant came out of the bathroom in her house, the accused entered her house and tried to molest and attempted to rape her, and upon the defacto complainant raising the alarm, the accused ran away.

3. It is a specific case of the accused that there was a temple festival, that was going on the same day evening, there was a quarrel between both the families and two hours before the alleged occurrence, the accused as well as his wife were also in the police station to lodge a complaint as against the defacto complainant.

4. Hence, the said fact was asked to be verified and the CCTV footage of the police station was also asked to be produced.



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5. Today a Status Report is filed stating that unfortunately, due to technical reasons, the CCTV footage could not be preserved.

6. In view of the above said facts and circumstances and also considering the fact that the petitioner is in jail from 14.08.2024, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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.I, Sivakasi.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial;

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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];

vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. The Hon'ble Supreme Court of India in the judgment of Paramvir Singh Saini Vs. Balji singh and others, has mandated the installation of CCTVs in all the police stations. It has instructed that the footage shall be preserved for a period of 18 months. It has been further ordered in the said case that at least for a period of 12 months CCTV footage be preserved. In every case, when this Court seeks CCTV footage, the respondent police is coming up with the version that due to technical error or lack of equipment or one reason or the other, CCTV footage is not available. This only shows that the respondent police are brazenly violating the Order of the Hon'ble Supreme Court of India, and the CCTV is not at all properly working or mischievously not maintained properly in the police stations. The action borders on the contempt of the Orders of the Hon'ble Supreme Court of India.

9. A copy of this order shall be placed before the Director General of Police,

<https://www.mhc.tn.gov.in/judis>



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Chennai, who shall ensure the due compliance of the orders of the Hon'ble Supreme
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Court of India.

sd/-
20/09/2024

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20/09/2024

Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. The Judicial Magistrate No.I, Sivakasi
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District @ Srivilliputhur.
3. The Officer in charge, Sub Jail, Srivilliputhur..
4. The Inspector of Police,
Maraneri Police Station, Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to :

The Director General of Police, Chennai.

+1 CC to M/s.A.BALAJI, Advocate (SR-11533[I] dated 20/09/2024)

ORDER IN
CRL OP(MD) No.14607 of 2024
Date :20/09/2024



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RK (20/09/2024) 6P / 8C

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