



CRL OP(MD). No.20106 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20106 of 2024

Vijayakumar

... Petitioner/* **Accused No.1**

Vs

The State of Tamilnadu,
Represented by,
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.387 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan, Advocate
for M/s.Aran legal Consultancy, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No. 387 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / * **Accused No.1**, who was arrested and remanded to judicial



CRL OP(MD). No.20106 of 2024

custody on 08.09.2024 for the alleged offence under * **Section 64(2)(k), 54 of of BNS and Section 66E of IT Act**, in Crime No.387 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the maternal aunt of the petitioner and she is a person with low level of intellectual quotient(IQ). She is aged about 57 years. On 01.09.2024 at about 11.45 p.m., the petitioner is said to have misbehaved with his maternal aunt and taken her inside the house and committed sexual assault. The petitioner was seen on the spot by the neighbors after they heard the lady's screaming from inside the house.

3. The petitioner filed the earlier bail petition before this Court in CrI.OP(MD). No.18300 of 2024 which was dismissed by this Court on 24.10.2024 mainly on the ground that the statement of the victim was not recorded under Section 164 of CrPC.

4. The learned Additional Public Prosecutor, on instructions, submitted that the investigation has been completed and the police report has already been filed before the Judicial Magistrate No.II, Tirunelveli on 16.10.2024 and the same is yet to be taken on file. He further submitted that there are no previous cases against the petitioner except the present case.

5. Heard the learned counsel on either side and perused the material records of the case.



CRL OP(MD). No.20106 of 2024

WEB COPY

6. The victim, who is the maternal aunt, was not even able to explain as to how she was sexually assaulted by the petitioner. That is the level of IQ of the victim who is said to have been sexually assaulted by the petitioner. Obviously, the petitioner seems to be a drug addict and under the influence of the drug, he had misbehaved with his own maternal aunt.

7. Taking into consideration the facts and circumstances of the case and the manner in which this incident had taken place and also considering the fact that the petitioner was a drug addict and he had indulged in this offence due to the influence of drug and considering the fact that the petitioner has suffered incarceration from 08.09.2024 and the investigation has already been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli, 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 daily at 10.30 a.m.



CRL OP(MD). No.20106 of 2024

WEB COPY

for a period of 2 weeks and thereafter appear before the Trial Court during every date of hearing without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 BNS, 2023.

sd/-
26/11/2024

(*) Corrected as per order of the Court dated 03.12.2024 in CRL MP(MD) No.13057 of 2024 in CRL OP(MD) No.20106 of 2024)

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL



CRL OP(MD). No.20106 of 2024

To

TO BE SUBSTITUTED WITH THE ORDER DATED 26/11/2024 ALREADY
DESPATCHED

1.The Judicial Magistrate No.V,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison, Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.ALAN LEGAL CONSULTANCY, Advocate (SR-14841[I] dated
03/12/2024)

ORDER

IN

CRL OP(MD) No.20106 of 2024

Date :26/11/2024

ED/ /SAR- (26/11/2024) 5P / 7C

ED/ /SAR- (04/12/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023