



WEB COPY



Crl.O.P.No.2008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

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

Crl.O.P.No.2008 of 2025

K.Sengodan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Konganapuram Police Station,
Salem District.

(Crime No.387 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.387 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Saravanan

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

ORDER

Petition seeking bail in respect of Crime No.387 of 2024 registered for the offences punishable under Sections 64(1) of the Bharatiya Nyaya Sanhita (BNS) 2023 is on board for consideration.

2. The incarceration of the petitioner being from 27.11.2024 pleading



Crl.O.P.No.2008 of 2025

innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submit that, due to property dispute, a false case has been given by the defacto complainant and also submit that the victim is a hale and healthy lady and the medical evidence also does not conclusively suggest that it is a case of rape. He further submits that the petitioner 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 (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner has committed rape on the defacto complainant's daughter in law. He further submit that the major part of the investigation is over.

4. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, he 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



Crl.O.P.No.2008 of 2025

District Munsif Cum Judicial Magistrate, Edappadi, 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, Flower Bazaar Police Station daily 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 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]***;



WEB COPY



CrI.O.P.No.2008 of 2025

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

29.01.2025

Sma

To

1. District Munsif Cum Judicial Magistrate, Edappadi.
2. The Inspector of Police,
Konganapuram Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2008 of 2025

A.D.JAGADISH CHANDIRA.,J.

Sma

Crl.O.P.No.2008 of 2025

29.01.2025