



Crl.OP.No.10801 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10801 of 2025

Arumugam ... Petitioner(s) / Sole Accused

Vs.

The State rep. by
Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.
Crime No.116 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail in Crime No.116 of 2025 on the file of the
respondent police.

For petitioner(s) : Mr.T.Padmanabhan

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



Crl.OP.No.10801 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.03.2025, seeking bail in Crime No.116 of 2025 registered for the offences under Sections 64(2)(k) and 62 of BNS, 2023 and Section 4 of TNPHW Act, 2002.

2. The case of the prosecution is that the petitioner/ accused had attempted to commit rape by removing the clothes of the defacto complainant and inappropriately touching her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and the petitioner is in custody from 18.03.2025; and that in any case, further custody of the petitioner is not required and prayed for the grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of bail, reiterated the



prosecution case and produced a copy of the FIR.

WEB COPY

5. It is seen from the FIR that the petitioner had inappropriately touched the victim's breast and attempted to commit rape. Considering the aforesaid facts and circumstances, period of incarceration and further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties (one surety must be a blood relative of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate No. II, Kallakurichi**, 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 C1 Flower Bazaar Police Station, Chennai, daily at 10.30 a.m., until further orders.



Crl.OP.No.10801 of 2025

[c] the petitioner shall not abscond either during investigation or trial;

WEB COPY [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 B.N.S.

21.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr



Crl.OP.No.10801 of 2025

WEB COPY

- To
1. Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Judicial Magistrate No.II, Kallakurichi.
 4. The Superintendent of Prison,
Central Prison, Cuddalore.
 5. C1 Flower Bazaar Police Station, Chennai.



WEB COPY



Crl.OP.No.10801 of 2025

SUNDER MOHAN, J.

skr

Crl.OP.No.10801 of 2025



WEB COPY



CrI.OP.No.10801 of 2025

21.04.2025