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Crl.O.P.No.15645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL OP NO. 15645 of 2025

Arokiya Nelson Yesuraj, M/A 32 years
S/o Chinappa Raj .

... Petitioner/Accused

Vs

State rep.by

Station House Officer, Sankarapuram Police Station,
Kallakrichi District.

Crime No.277/2025

... Respondent(s)

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.277 of 2025 on the file
of the respondent Police.

For Petitioner(s): Mr. R.Baskar

For Respondent(s): Mr.V.J.Priyadarsana, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.04.2025 for the alleged offence punishable under Sections 296(b),
126(3), 351(3), 64(1) of BNS r/w 62 of BNS and Section 4 of TNPWH Act
in Crime No.277 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, on 24.04.2025 at about 7.00 p.m., the de-facto complainant was proceeding to her house in a two wheeler and when she was crossing Kappukadu at Viriyur Village, the petitioner way laid her and attempted to commit rape. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an agriculturist and he has not committed any offence as alleged by the prosecution and a false complaint has been foisted against him. He would further submit that the petitioner was arrested and he is in judicial custody from 26.04.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, and also considering all others factors, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sankarapuram** 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 concerned Judicial Magistrate on every Monday to Friday at 10.30.a.m., and further report before the respondent police on every Saturday and Sunday 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



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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.

21.05.2025

mst

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The Judicial Magistrate, Sankarapuram.
2. The Station House Officer, Sankarapuram Police Station, Kallakrichi District.

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3.The Superintendent,
District Jail, Villupuram,
Perumbakkam (Ingampettai)

4.The Public Prosecutor,
High Court of Madras.



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N.SENTHILKUMAR, J.

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