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Crl.O.P.No.21521 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21521 of 2025

Harish

... Petitioner

Vs.

State Rep by:

The Inspector of Police,

Puzhal Police Station,

Chennai.

(Cr.No.382 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.382 of 2025 on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 07.05.2025, for the offence punishable under Sections 329(4), 296(b), 74,
75(2), 64(1), 62, 351(3) of BNS Act in Crime No.382 of 2025, registered on
the file of the respondent, seeks bail.



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2.The case of the prosecution is that the petitioner is addicted to Ganja and liquor. On 07.05.2025, the petitioner trespassed into the house of his neighbour and attempted to commit rape on the victim girl. However, the victim managed to escape, thereby preventing the act. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition 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, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner had previously committed a similar offence in Crime No.895 of 2022, registered at the same police station. Despite the earlier case, the petitioner is said to have continued his consumption of Ganja and has now attempted to commit the present offence.



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

6. Admittedly the petitioner is addicted to Ganja and liquor and has been repeatedly involved in similar offences. Considering the petitioner's parents are unable to exercise control over him, and that he is around 30 years of age and unemployed, this Court finds it appropriate to direct that the petitioner be treated at a rehabilitation centre. Accordingly, this Court is inclined to grant bail to the petitioner, subject to certain conditions. The petitioner on execution of bond with surety, the prison authorities to take the petitioner admit him in **Institute of Mental Health, Medawalkam Tank Road, Kilpauk, Chennai, Tamil Nadu – 600 010** for drug rehabilitation. The Institute of Mental Health shall make appropriate arrangements for effective treatment of the petitioner.

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 **District Munsif cum Judicial Magistrate, Madhavaram** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

01.08.2025

RAP

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 the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The District Munsif cum Judicial Magistrate, Madhavaram
- 2.The Inspector of Police,
Puzhal Police Station,
Chennai.
- 3.The Superintendent,
Central Prison-II, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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