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CRL OP(MD). No.23041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.23041 of 2024

A.Solomon @ Pappaya

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
Crime No. 361/2024.

... Respondent/Complainant

For Petitioner : Mr.M.M.Manivelpandian, Advocate
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.361 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.12.2024 for the offences under Sections 75(2), 296(b) and 351(3) of BNS (hereinafter referred to as new penal code) and Section 4 of TNPHW Act in Crime No.361 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have followed the

defacto complainant and made indecent comments and harassed her and he is said to



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have sought for sexual favour from the defacto complainant. He has also threatened the defacto complainant with dire consequences.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is having 13 previous cases against him, out of which, one case pertains to the offence under the POCSO Act. Therefore, he vehemently opposed the grant of bail to the petitioner.

4. Per contra, the learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that it was the petitioner, who was actually beaten up by the brother of the defacto complainant and when he wanted to complain the same, this case was registered against the petitioner. He further submitted that the petitioner was arrested on 01.12.2024 and that the petitioner will comply with any condition imposed by this Court, if he is released on bail.

5. Taking into consideration the facts and circumstances of the case and considering the manner in which the incident had taken place and taking note of the previous cases against the petitioner and also considering the fact that this petitioner has already suffered incarceration from 01.12.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is



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ordered to be released on bail on 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, Nanguneri, 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 for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 BNS 2023.

sd/-

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02/01/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE, SUB PRISON, NANGUNERI.

4 THE INSPECTOR OF POLICE, MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.M.MANIVEL PANDIAN, Advocate (SR-3[I] dated 02/01/2025)

ORDER IN

CRL OP(MD) No.23041 of 2024

Date :02/01/2025

RS/IT/SAR-(02.01.2025) 4P 7C

Madurai Bench of Madras High Court is issuing
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