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CRL O.P. No.10071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.10071 of 2024

Vijayabalan

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Nagapattinam District.

(Crime No.08 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.08 of 2024, on the file of the respondent.

For Petitioner : Mr.H.Thameen Ansari

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



CRL O.P. No.10071 of 2024

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 07.03.2024 for the offences punishable under Sections 417 and 376 of IPC, in Crime No.08 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is aged 20 years and the victim girl is aged about 20 years. The petitioner and the victim girl loved each other, thereby the petitioner had a physical relationship on several occasions by assuring that he will marry her, but he failed to perform the marriage as he assured, now, she is three months pregnant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was already granted interim bail by this Court by order dated 25.04.2024 till 13.06.2024 and thereafter, the interim bail granted was also extended to 03.09.2024 by this Court on 02.08.2024, on condition to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.08 of 2024 before the Trial Court for medical expenses of the victim girl and the said condition has been complied with and the



CRL O.P. No.10071 of 2024

learned counsel for the petitioner has also produced a copy of the receipt of the payment and prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent also concedes the said submission of the learned counsel for the petitioner and he submitted that investigation has been completed and the case is now at the stage of committal.

5.Considering the above submissions made by the learned counsel on either side and that investigation was completed and the condition imposed by this Court is also duly complied by the petitioner, the interim bail granted to the petitioner dated 25.04.2024 is made absolute on the following conditions:

[a] the Petitioner shall appear before the respondent police as and when required for interrogation.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or



CRL O.P. No.10071 of 2024

to any police officer;

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[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

05.09.2024

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To

1.The Judicial Magistrate No.1, Nagapattinam.

2.The Inspector of Police,
All Women Police Station,
Nagapattinam District.

3.District Jail, Nagapattinam.

4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.10071 of 2024

P.DHANABAL,J.
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CRL.OP.No.10071 of 2024

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