



Crl.O.P.No.12116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.12116 of 2024

Karthikeyan

...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
All Women Police Station,
Cuddalore.

(Crime No.15 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.15 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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



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CrI.O.P.No.12116 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.04.2024 for the offences punishable under Sections 294(b), 376, 417, 506(ii) of IPC r/w Section 4 of Dowry Prohibition Act, in Crime No.15 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused, on the false promise of marrying the defacto complainant, induced her and had sexual intercourse with her on several occasions and thereafter, refused to marry the defacto complainant. When the defacto complainant asked the petitioner about the same, the petitioner, along with the other accused, abused her in filthy language and threatened her with dire consequences and demanded a huge dowry to marry her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner, aged about 19 years and the



Crl.O.P.No.12116 of 2024

defacto complainant, aged 19 years are adults and there was a consensual relationship between them and later, a false complaint has been given against the petitioner. He would further submit that the petitioner is in custody from 04.04.2024 and he is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner induced the defacto complainant, promising that he will marry her and had a physical relationship with her on several occasions and thereafter, refused to marry her and demanded huge dowry to marry her. Hence, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the representation made by both side learned counsels and the nature of offences and also considering the fact that the petitioner has married the defacto complainant and also considering the



CrI.O.P.No.12116 of 2024

period of incarceration undergone by the petitioner and also considering that there is no previous case as against the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner with certain conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate, Additional Mahila Court, Cuddalore**, and on further conditions that;

[b] the Petitioner shall report before the respondent police only as and when required for interrogation.

[c] 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;

[d] 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 to any police officer;

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



CrI.O.P.No.12116 of 2024

WEB COPY

[f] 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

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

03.09.2024

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To

- 1.The Judicial Magistrate, Additional Mahila Court, Cuddalore.
- 2.Sub Jail, Cuddalore.
- 3.The Inspector of Police,
All Women Police Station,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12116 of 2024

P.DHANABAL, J.
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Crl.O.P.No.12116 of 2024

03.09.2024