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CrI.O.P.No.17361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.17361 of 2024

Vignesh

... Petitioner

Vs.

The State represented by,
The Station House Officer,
All Women Police Station,
Tirukoilur, Kallakurichi District.
(Crime No. 40 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.40 of 2024 on the file
of the respondent police.

For Petitioner : Mr.K.Gangadaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.05.2024 for the offences punishable under Sections 417, 376(2)(n),
313, 294(b), 323, 506(1) of IPC and Section 4 of Women Harassment Act, in



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Crime No.40 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner had sexual intercourse with the victim under the pretext of marrying her and she got pregnant. Thereafter, the petitioner gave tablets for aborting the child. Subsequently, the victim reveals the entire facts to her parents and they told the same to the petitioner's parents. The petitioner's parents asked them to come on 19.05.2024 for betrothal function. Accordingly, the victim's parents went there, where the petitioner's parents told them that they would celebrate marriage itself on 24.05.2024 at Tirupathi. Thereafter, the petitioner's family refused to solemnize the marriage and also threatened the victim's family with dire consequences. 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 26.07.2024 till 31.07.2024 and thereafter, the interim bail granted was also extended to 04.09.2024 by this Court on 31.07.2024, on condition that both the petitioner and the victim along with her parents shall appear before the Mediation and Conciliation Centre, Kallakurichi on 07.08.2024, and the time



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is extended to the petitioner to complete the mediation proceedings, by this Court till 19.09.2024 and in the said condition, the mediation process was not settled between the parties. The learned counsel for the petitioner has also produced a mediation report 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 charge sheet was also filed.

5.Considering the above submissions made by the learned counsel on either side and that investigation was completed and charge sheet was also filed, and the condition imposed by this Court is also duly complied by the petitioner, the interim bail granted to the petitioner dated 26.07.2024 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;



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[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 to any police officer;

[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.

19.09.2024

drl



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To

- 1.The Judicial Magistrate,
Sankarapuram.
- 2.The Station House Officer,
All Women Police Station,
Tirukoilur, Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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