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CRL O.P. No.20776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20776 of 2024

Madheswaran,
S/o.Manickam

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.
[Cr.No.24 of 2024]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.24 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Deepakkumar
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2024 for the offences under Section 354(C), 354(D), 506(1) of IPC, Section.67A of IT Act, Sec.4 of TNPHW Act in Crime No.24 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant's husband was went to Chennai for his official work at that time this petitioner and the defacto-complainant have illicit relationship and this petitioner make a phone call to the defacto-complainant and forced her for sexual relationship with him. This petitioner also threatened her that he will spread the unseen bathing videos of the defacto-complainant. Hence the complaint.

3. The learned counsel for the petitioner would contend that this petitioner is none other than own brother of the defacto-complainant's husband. There was family dispute between the defacto-complainant and hte petitioner, therefore, she lodged a false complaint against this petitioner.



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This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner and the defacto-complainant have illicit relationship and this petitioner make a phone call to the defacto-complainant and forced her for sexual relationship with him. This petitioner also threatened her that he will spread the unseen bathing videos of the defacto-complainant. The petitioner was arrested and remanded to judicial custody on 21.07.2024. There is no previous case as against the petitioner. However, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering



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the relationship between the defacto-complainant and this petitioner and there is no previous case as against this petitioner and also considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following 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 learned **Judicial Magistrate, Additional Mahila Court, Salem** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M for the period of thirty days;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement,



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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 or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].

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

28.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

- 1.The Judicial Magistrate, Additional Mahila Court,
Salem
- 2.The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem District.
3. Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

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