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CRL O.P. No.24328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.24328 of 2024

Arun Kumar S/o. Ulaganathan ... Petitioner /Accused
Vs

State rep. by:-

The Inspector of Police,
AWPS, Pulianthope,
Chennai District.
[Cr. No.13 of 2024]

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.13 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Praveen Kumar

For Respondent : Mr.S. Vinoth Kumar
Government Advocate [Criminal side]

ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 03.09.2024 for the offences punishable under Sections 64 and



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74 of B.N.S. in Cr. No.13 of 2024 on the file of the respondent police,
seeks bail.

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2. The case of the prosecution is that the petitioner had physical relationship with the defacto complainant on several times by promising to marry her, but the petitioner married another girl and cheated the defacto complainant . Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case, that he was arrested and remanded to judicial custody for the offences under Sections 74 and 74 of B.N.S., that as per the prosecution case, the petitioner had physical relationship with the defacto complainant on several times on promise to marry her and thereafter his betrothal function was held on 10.07.2024 and thereafter, the petitioner married an another girl, thereby committed offence. In fact, this petitioner has not committed any offence as alleged by the prosecution. The petitioner developed love with another girl for the past 10 years and subsequently, the said love had broken up due to



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misunderstanding. While so, the parents of the petitioner forced to marry the defacto complainant and arranged for betrothal on 10.07.2024 and after knowing the same, the petitioner married his lover on 30.08.2024. Due to which, a false complaint has been lodged by the defacto complainant and the petitioner is in custody from 03.09.2024. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner developed love with the defacto complainant and had physical relationship with her by promising to marry her and thereafter, he refused to marry the victim, thereby, she lodged a complaint and now the case is under investigation and the investigation is at initial stage and hence he strongly opposed 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, considering



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the relationship between the petitioner and the defacto complainant and already the defacto complainant got married and there is no previous case pending against this petitioner and considering the incarceration period of the petitioner from 03.09.2024 and already material part of investigation was completed, I am 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 **Additional Mahila Court, Egmore, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10 a.m. until further orders.

[c] 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;

[d] the petitioner shall not abscond either during investigation or



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trial;
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[e] 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 or tamper with the evidence;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

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To

- 1.The Additional Mahila Court, Egmore, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The The Inspector of Police, AWPS, Pulianthope, Chennai District.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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