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CRL O.P. No.26012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.26012 of 2024

G. Vigneswaran ... Petitioner /Accused
Vs

State represented by:-

The Inspector of Police,
W7 All Women Police Station,
Anna Nagar, Chennai.
[Cr . No.35 of 2024]

.... Respondent / Complainant

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.35 of 2024 on the file of the respondent police.

For Petitioner : Mr. K. Gowthaman

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

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 10.09.2024 for the offence punishable under Section 64 of B.N.S. in Cr. No.35 of 2024 on the file of the respondent police



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seeks bail.

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2. The case of the prosecution is that the victim girl was forcibly raped by the petitioner, when she was in unconscious stage, due to consumption of alcohol in a birthday function. It is alleged that the victim became pregnant and the fetus was aborted. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is an innocent and he has been falsely implicated in this case for the offence under Section 64 of B.N.S. and he was arrested and remanded to judicial custody on 10.09.2024. He is not a named accused in the FIR. The statement of the victim girl was recorded and in the statement, there is no mention about this petitioner. The petitioner has no previous case pending against him and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner forcibly raped the victim girl, due to which, she



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got pregnancy and thereafter, the fetus was aborted and hence he strongly opposed to grant bail to the petitioner. However, he admitted that the material part of investigation is completed and there is no previous case pending against the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences charged against the petitioner and the relationship between the parties, considering the fact that no complaint was lodged by the victim girl, that already the material part of investigation has been completed, that the petitioner has no previous case pending against him and also considering the period of incarceration of the petitioner, 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



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conditions that:

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[b] the petitioner shall report before the respondent police daily at 10.00 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 trial;

[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



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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.

21.10.2024

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

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To

- 1.The Additional Mahila Court, Egmore, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, W7 All Women Police Station, Anna Nagar, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

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