



WEB COPY



Crl.O.P.No.27854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27854 of 2024

Sanjivrajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Ariyalur District.

(Crime No.46 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.46 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.MA.Gouthaman

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Dr.D.Shanmuganathan

ORDER

Petition seeking bail in respect of Crime No.46 of 2024 registered for the offences punishable under Sections 418, 376, 496 and 506(1) of IPC and



Crl.O.P.No.27854 of 2024

Section 67-A of Information Technology Act, is on board for consideration.

2. The incarceration of the petitioner being from 21.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that a case of consensual affair between two engaged adults has been falsely projected as a case of rape and cheating. He also submits that the petitioner and the de facto complainant are close relatives and with the consent of both families, their engagement was conducted and thereafter, there was a relationship between them. However, due to some misunderstanding, the marriage proposal was dropped and thereafter, an exaggerated complaint has been given against the petitioner. He further submits that even as per the prosecution, during the period of courtship, there was a relationship between the petitioner and the de facto complainant and there was no compulsion on the part of the petitioner. He also submits that this court, while granting interim bail to the petitioner on 08.11.2024, had referred the matter for mediation, however, the mediation has failed and further, based on the direction passed by this Court on 18.12.2024, the petitioner has surrendered before the Jail Authorities, Sub Jail, Jayankondam on 19.12.2024. He further submits that the petitioner is ready to abide by any stringent condition that may be



CrI.O.P.No.27854 of 2024

imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de facto complainant and the petitioner are relatives and with the consent of both families, their engagement was conducted and thereafter, the petitioner compelled the de facto complainant and had a sexual intercourse with her and further, threatened her with her private videos and later, refused to marry her. He also submits that on 08.11.2024, this Court has granted interim bail to the petitioner and directed him to appear before the mediation center and thereafter, pursuant to the order dated 18.12.2024, the petitioner surrendered before the Jail Authorities, Sub Jail, Jayankondam on 19.12.2024. He further submitted that the investigation in this case has been completed and the respondent is yet to file charge sheet.

4. Learned counsel for the de facto complainant/XXX, while vehemently opposing for grant of bail to the petitioner, submits that the petitioner had exploited the innocence of the de facto complainant and by forcing her, had a physical relationship with her and later, refused to marry her. He also submits that by taking advantage of the interim bail, the petitioner did not cooperate for the



CrI.O.P.No.27854 of 2024

mediation, thereby, the mediation has failed.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Additional Mahila Court, Ariyalur**, and on further conditions that :

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or



CrI.O.P.No.27854 of 2024

WEB COPY

witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

20.12.2024

ham

To

1. The Additional Mahila Court, Ariyalur.
2. The Inspector of Police,
All Women Police Station,
Ariyalur District.
3. The Superintendent,
Sub Jail, Jayankondam.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.



WEB COPY



Crl.O.P.No.27854 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.27854 of 2024

20.12.2024