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Crl.O.P.No.27823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No.27823 of 2024

S.Sarathkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Cheyyar, Cheyyar Taluk,
Tiruvannamalai District – 604 407.

(Crime No.22 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.22 of 2024, pending on the file of the respondent Police.

For Petitioner : Mr.S.Ranjithkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 07.10.2024, seeking



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bail in Crime No.22 of 2024 registered for the offence under Sections 69, 318(4), 296(b), 351(2), 64(1) of BNS and Section 4 of the Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution as per the defacto complainant xxx is that the accused and the defacto complainant were studying in the same college and there was a love affair between them, and on October 2023, the accused, on the promise of marrying her, had committed sexual intercourse with her on several occasions, and later he refused to marry her. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been lodged against him. He further submitted that the petitioner and the defacto complainant are college mates and that there was a consensual relationship between them. He further submitted that the defacto complainant is elder than the petitioner and due to this, there were some misunderstanding between them. He further submitted that the petitioner is in custody from 07.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence,



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he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the victim, aged 21 years and the accused aged 20 years, were college students. The accused under the guise of marrying the defacto complainant, had sexual intercourse with her on several occasions and later he refused to marry her. He further submitted that the statement has also been recorded from her under 183 BNSS, wherein, she had admitted that there was a love affair between the petitioner and herself and now he refused to marry her. He further submitted that the investigation is still pending. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the statement recorded under 183 BNSS from the victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and and



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taking note of the statement recorded under Section 183 BNSS and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Judicial Magistrate, Cheyyar** 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 report before the respondent Police, everyday at 6.30 p.m, until further orders;

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

[d] the petitioner shall not tamper with evidence or 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



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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 B.N.S.

07.11.2024

drl

To

1. The Judicial Magistrate,
Cheyyar.
- 2.The Inspector of Police,
All Women Police Station,
Cheyyar, Cheyyar Taluk,
Tiruvannamalai District – 604 407.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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