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Crl.O.P.No.28082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28082 of 2024

Chitti Babu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Thiruthani Police Station,
Tiruvallur, Tamil Nadu.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.30 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.R.Prabhakaran

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 17.10.2024, seeking bail in Crime No.30 of 2024 registered for the offence under Sections 318 and 64 of BNS.



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2. The case of the prosecution is that the de facto complainant and the petitioner loved each other since 2020 and that on the false promise of marriage, the petitioner had sexual intercourse with the de facto complainant, due to which, the de facto complainant become pregnant. On knowing the same, the petitioner insisted the de facto complainant to abort the child and refused to marry her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that it is a case of love affair and the relationship between the petitioner and the de facto complainant is consensual. He further submitted that the petitioner is in custody from 17.10.2024 and the offence under Section 64 of BNS will not made out. Hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that though it is a case of love affair, the petitioner had promised the de facto complainant to marry her and cheated her and hence the offence under Sections 318 and 64 of BNS is made out. Therefore, he objected for grant of bail to the petitioner.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking note of the nature of the allegation, the period of incarceration and also considering that the further custody of the petitioner is not required for the investigation, this Court is inclined to grant bail to the petitioner with certain conditions. Further, the question as to whether the relationship between the petitioner and the de facto complainant was consensual is a matter for trial.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Pallipattu**, 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;



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[b] the petitioner shall report before the respondent Police, 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 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 B.N.S.

11.11.2024

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To

1. The Judicial Magistrate,
Pallipattu.
2. The Inspector of Police,
AWPS Thiruthani Police Station,
Tiruvallur.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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