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Crl.O.P.No.29596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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

Crl.O.P.No.29596 of 2024

S.Keerthivasan

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police station,
Ambattur, Thiruvallur District.
(Crime No.46 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.46 of 2024, on the file of the respondent police.

For Petitioner : Mr.M.N.Kathir

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



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ORDER

Apprehending arrest in connection with Crime No.46 of 2024 registered for the offences punishable under Section 69 of BNS Act 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner was having a love affair with the minor victim girl for past four years and later, refused to marry her. Hence, the defacto complainant lodged complaint against the petitioner on 18.11.2024. Based on the complaint given before the respondent police an enquiry was conducted and the petitioner was appeared for enquiry. After completion of enquiry, the First Information Report has been registered against the petitioner. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



3. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that on the false promise of marriage, the petitioner had sexual intercourse with the defacto complainant on several occasions and thereafter, he cheated the defacto complainant without marrying her. He also submits that there is no previous cases pending against the petitioner.

4. Learned counsel appearing for the intervener vehemently opposed for granting of anticipatory bail to the petitioner by stating that, the petitioner on false assurance of marrying the defacto complainant had sexual intercourse with her and thereafter, he cheated the defacto complainant without marrying her. He also submitted that now the defacto complainant is not ready to marry the petitioner.

5. Having Heard the learned counsel for the petitioner, the learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the



materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No - II, Ponneri, on condition that the petitioner shall 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during



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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 BNS.

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A.D.JAGADISH CHANDIRA, J.

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