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Crl.O.P. No. 30279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Crl.O.P.No. 30279 of 2024

Bavasha

... Petitioner

Vs.

The State rep. by
Inspector of Police,
All Women Police Station,
Virugambakkam,
Chennai
(Crime No.31 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in connection with the case in Crime No.31 of 2024 on the file of the respondent Police.

For Petitioner : Mr.M. Karthik

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

ORDER

Petition seeking bail in respect of Crime No.31 of 2024 registered for the offences punishable under Sections 296(b), 64, 308 (3), 351(3) of BNS is on board for consideration.



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2.The incarceration of the petitioner being from 24.10.2024 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 also submits that the de facto complainant was running a Spa and had two previous cases registered by AVS squad, suspecting that the petitioner was behind the registration of these cases, she has filed a false complaint against the petitioner. He also submits that though the de facto complainant claims that it is a case of rape, the medical examination revealed no injuries. He also submits that there are WhatsApp messages showing that the de facto complainant is the person who sent inviting messages to the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner/accused, who is the suspended police constable had extorted money from the de facto complainant by threatening her and raped her. He further submits that the statement under Section 164 of Cr.P.C., also recorded from the victim.

4.Having heard the learned counsel for the petitioner and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the copy of FIR, 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 Judicial Magistrate No.II, Poonamallee, 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 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



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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.

05.12.2024

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Judicial Magistrate Court No.II,
Poonamallee.
2. The Inspector of Police,
All Women Police Station,
Virugambakkam,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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