



Crl.O.P.No.31196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31196 of 2024

Ayyappan

... Petitioner

Vs.

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

(Crime No.13 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.13 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

Petition seeking bail in respect of Crime No.13 of 2024 registered for the offences punishable under Sections 318(2) and 69 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 13.11.2024 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 relationship between the petitioner and victim is consensual, whereas, it has been falsely projected as a case of false assurance. 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner/accused, on the false promise of marrying the victim, aged about 18 years, had sexual intercourse with her, due to which, she became pregnant and on knowing the same, the accused insisted her to abort the foetus and later, refused to marry her. He further submits that the investigation in this case is still pending.

4. 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 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



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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, Thiruvavarur**, 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 Chennai and report before the Inspector of Police, D1 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 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]***;



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A.D.JAGADISH CHANDIRA.,J.

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

19.12.2024

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To

1. The Additional Mahila Court,
Thiruvarur,
2. The Inspector of Police,
All Women Police Station,
Muthupetai, Thiruvarur District.
3. The Superintendent,
District Prison,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
D1 Police Station, Triplicane,
Chennai.

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