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Crl.O.P.No.31581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31581 of 2024

Mubarak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

(Crime No.353 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.353 of 2024, pending investigation on the file of the
respondent Police.

For Petitioner : Mr.D.Rameshkumar

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

ORDER

Petition seeking bail in respect of Crime No.353 of 2024 registered for
the offences punishable under Sections 64(1), 64(2), 318(2), 92 and 351(3) of
BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 11.11.2024 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 and therefore, the offence under Section 64 of BNS will not be made out. He further submits that due to some misunderstanding, a false complaint has been given against the petitioner and further, the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth 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 19 years, had sexual intercourse with her, due to which, she became pregnant and on knowing the same, the accused insisted her to abort and provided pills to her to abort the foetus and thereafter, 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



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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, Pochampalli**, 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 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.

18.12.2024

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To

1. The Judicial Magistrate,
Pochampalli.
2. The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
3. The Superintendent,
District Jail,
Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras.

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