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Crl.O.P.No.31661 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.31661 of 2024

Mohamed Sham J

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai.

(Crime No.45 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.45 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Elangovan

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

ORDER

Petition seeking bail in respect of Crime No.45 of 2024 registered for the offences punishable under Sections 417, 354(A), 506(i) of IPC, is on board for consideration.



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2. The incarceration of the petitioner being from 04.11.2024 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 petitioner and victim are known to each other from the year of 2022 and the relationship between them is consensual, whereas, it has been falsely projected as a case of false assurance. He further submits that the petitioner has been regularly appearing before the respondent for enquiry, however, he was arrested in this case and he is suffering incarceration for more than a month. He also 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, impregnated her 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



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materials available on record including the First Information Report 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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai**, 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

A.D.JAGADISH CHANDIRA.,J.

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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.

19.12.2024

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To

1. The Metropolitan Magistrate,
Additional Mahila Court, Egmore, Chenna.
2. The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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