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Crl.O.P.No.31956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31956 of 2024

Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W8 AWPS-Thirumangalam,
Anna Nagar West,
Chennai-600 040

(Crime No.35 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.35 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Mathi

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

ORDER

Petition seeking bail in respect of Crime No.35 of 2024 registered for the offences punishable under Sections 69 of BNS and Section 4 of the Tamil



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Nadu Prohibition of Harassment of Women Act, 2002, subsequently, altered to IPC Sections 376 and 417 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 , is on board for consideration.

2. The incarceration of the petitioner being from 05.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that it is a case of consensual sexual affair, which has been falsely converted into a case of rape and cheating. He submits that the major part of the investigation is over and the statement of the victim has been recorded under Section 183 of BNS. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution, as per the defacto complainant xxxx, who is aged 24 years, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused and the victim were in love for six months and the further allegation is that on the false assurance of marrying her, he had sexual intercourse with her, due to the which, she became pregnant and the accused informed her that he



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would marry her only if she aborts her pregnancy, believing the same, the victim girl aborted her pregnancy. Later, the accused refused to marry her, stating that she belongs to a lower community and thereby, the victim had lodged a complaint before the Inspector of Police, All Women Police Station, Thirumangalam and the accused had come there and given an undertaking to marry her, and later, he abandoned her.

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, including the statement of the minor victim girl under Section 183 of BNS 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 **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



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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]***;

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

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Anu



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To

1.The Additional Mahila Court, Egmore, Chennai

2.The Inspector of Police,
W8 AWPS-Thirumangalam,
Anna Nagar West,
Chennai-600 040

3. The Superintendent,
Puzhal Prison.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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