



CRL OP(MD). No.12897 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12897 of 2024

P.Ajith Kumar,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Thallakulam,
Anna Nagar, Madurai.
In Crime No.37/2024..

... Respondent/Complainant

For Petitioner : Mr.I. Sabeermohamed,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener : Mr.K.Dinesh,
Advocate.

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.37/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on



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12.07.2024 for the offences punishable under Sections 69 and 351(ii) and 351(iii) of BNS, 2023 in crime No.37 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant by giving a false promise that he will marry her. Now, she become pregnant. However, he refused to marry her as against his promise. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would also submit that the petitioner would not in any manner disturb the defecto complainant and is ready to file such an undertaking affidavit before the trial Court at the time of executing the surety. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that case was taken on committal in SC.No.60 of 2020 and posted to 16.08.2024 of examination of P.W.1 to P.W.3.

5.The learned counsel for the defacto complainant vehemently opposes for any



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consideration of grant of bail to the petitioner on the ground that the defecto complainant is right now two months pregnant.

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6. Considering the allegation made on behalf of the petitioner that the petitioner who is younger than the defecto complainant was living together with the defecto complainant, who has since not divorced and considering the fact that another criminal case is also pending against the de facto complainant by a third party alleging that she was in living relationship with that person also and considering the fact that the petitioner was arrested on 11.07.2024, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Madurai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall file an undertaking affidavit that he will not disturb the



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defacto complainant in future, before the concerned Judicial Magistrate and the respondent police. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iv)the petitioner shall not tamper with evidence or witness;

v)the petitioner shall not abscond during trial.

vi)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].

vii)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/08/2024

/ TRUE COPY /

08/08/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.VI MADURAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI..
 - 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM
ANNA NAGAR
MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.I.SABEER MOHAMMED, Advocate (SR-9689[I] dated 08/08/2024)

ORDER
IN

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Date :08/08/2024

SS/SAR- /08/08/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023