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Crl.O.P.No.3206 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3206 of 2025

N.Vigneshwaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Coimbatore Central,
Coimbatore.
(Crime No.02 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.02 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : M/s.I.Abrar Mohamed Abdullah

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Intervenor : Mr.C.Govarthanan

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 29.01.2025, seeking bail in Crime No.02 of 2025 registered for the offence under Sections 64, 318(2), 351(3) of BNS and Section 66E of Information Technology Act.



Crl.O.P.No.3206 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner and the victim girl had consensual relationship for about 1 1/2 years prior to the filing of the complaint that the petitioner on the promise of marriage had sexual intercourse with the defacto complainant. The further allegation is that the petitioner and his family visited the defacto complainant's home and demanded 60 sovereigns of gold as dowry and when the defacto complainant's family refused, the petitioner refused to marry the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that, even as per the complaint, petitioner and the defacto complainant had consensual relationship and that both the petitioner and the defacto complainant are lawyer and in any case, the petitioner is in custody from 29.01.2025 and that since further custody is not required for the purpose of investigation, he may be released on bail.

4. Learned Counsel for the defacto complainant submitted that, petitioner not only had consensual relationship, but also took obscene photographs and videographs of the defacto complainant and threatened her that



Crl.O.P.No.3206 of 2025

he will upload the same in the social media. He further submitted that, out of the two phones, the respondent police had seized only one phone. He further submitted that, even if the bail is granted to the petitioner, he may released on stringent condition.

5. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that, at the time of arrest, respondent police has seized one phone from the petitioner and nothing incriminating was found in the phone.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Admittedly, the relationship between the petitioner and the defacto complainant was consensual. It is the case of the defacto complainant that, out of two phones, only one phone was seized and that the defacto complainant apprehended that the petitioner would circulate the photographs and videos. It is needless to say that, if the photographs and videos of the victim are circulated, the respondents can move a petition for cancellation of bail. Considering the



Crl.O.P.No.3206 of 2025

period of incarceration and the nature of allegations, this Court is of the view that the petitioner can be released on bail.

8. 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/Additional Mahila Court, Coimbatore** 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 on every Monday at Thursday 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



Crl.O.P.No.3206 of 2025

WEB COPY

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 B.N.S.

13.02.2025

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To

1. Judicial Magistrate/Additional Mahila Court, Coimbatore
2. The Inspector of Police,
All Women Police Station,
Coimbatore Central,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.3206 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.3206 of 2025

13.02.2025