



Crl.O.P.No.8057 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8057 of 2025

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chengam All Women Police Station,
Thiruvannamalai District.
(Crime No.11 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.11 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Silambu Selvan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 25.02.2025, seeking bail in Crime No.11 of 2025 registered for the offence under Sections 417, 376(2)(n) of IPC.



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2. The case of the prosecution is that, petitioner on the false promise of marrying the victim girl had sexual intercourse with her and thereafter refused to marry her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner and the victim girl were in consensual relationship for the past five years; that the allegations are false; that due to a misunderstanding with the defacto complainant the petitioner married another girl; that hence the instant complaint was lodged; and that in any case further custody from 28.02.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the it is a case of love affair; that petitioner has one previous case on the complaint given by another victim girl under POCSO in Crime No.438 of 2024.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused



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the materials available on record.

6. It is the case of the petitioner that in the other case, he had married the victim girl. In this case, it is seen that the relationship between the petitioner and the victim girl was consensual. The victim girl is aged about 20 years and it cannot be said that the victim girl was not aware of the consequences of her act. Considering the above facts, the period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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, Chengam** 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



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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 B.N.S.

19.03.2025

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To

1. Judicial Magistrate, Chengam.
2. The Inspector of Police,
Chengam All Women Police Station,
Thiruvannamalai District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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