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Crl.O.P.No.10931 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10931 of 2025

Suresh

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
AWPS – Polur Police Station,
Tiruvannamalai District.

(Crime No.15 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.15 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Renukumar

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 04.03.2025, seeking bail



in Crime No.15 of 2025 registered for the offence under Section 92(b) of RPD Act, 2016 and Section 332(b), 64(2)(k) of BNS, 2023.

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2.It is the case of the prosecution that the petitioner aged 19 years and the victim aged 20 years are neighbours; that on the date of occurrence, the petitioner entered into the house of the defacto complainant and committed rape on the victim, who is the daughter of the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; and that in any case, considering the period of incarceration and the stage of investigation, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the victim girl is of unsound mind and since the petitioner has committed grave offence, he may not be released on bail. He has also produced a copy of the Medical Report which suggests that there is no external injuries on the victim girl and the hymen was also intact.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the nature of allegations, the period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, 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 **Judicial Magistrate, Polur**, 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 stay at **Chennai** and report before the **Inspector of Police, Flower Bazaar Police Station, Chennai**, 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 B.N.S.

15.04.2025

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Copy to:

- 1.The Inspector of Police,
AWPS – Polur Police Station,
Tiruvannamalai District.
- 2.The Judicial Magistrate, Polur.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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