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CrI.O.P.No.10866 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.10866 of 2025

Dhinesh

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
AWPS, Neelankarai,
Chennai.

(Crime No.6 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.6 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.S.Muvendan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.03.2025, seeking bail



in Crime No.6 of 2025 registered for the offence under Section 69 of BNS,
2023.

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2.It is the case of the prosecution that the petitioner got acquaintance with the defacto complainant through social media and they had a love affair; that the petitioner, on the promise of marriage, had physical relationship with the defacto complainant in 2022 and subsequently; that thereafter, the petitioner had refused to marry her; that when the defacto complainant questioned the same, the petitioner had abused her in filthy language and thereby cheated her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that in order to extort money, a false complaint has been lodged and that in any case, the petitioner is in custody from 19.03.2025 and hence, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the statement of the victim has not yet been recorded.



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, the fact that there was consensual relationship between the petitioner and the victim, the fact that the alleged occurrence took place in the year 2022, 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 **Additional Mahila Court, Alandur, Chengalpet**, 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 orders;

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[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.

21.04.2025

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Copy to:

1.The Inspector of Police,
AWPS, Neelankarai,
Chennai.

2.The Additional Mahila Court, Alandur, Chengalpet.

3.Sub Jail, Saidapet, Chennai.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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