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CrI.O.P.No.11220 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.11220 of 2025

Balaji

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
S.H.O. Bhuvanagiri Police Station,
Cuddalore District.

(Crime No.63 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.63 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Kasirajan

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 27.03.2025, seeking bail



in Crime No.63 of 2025 registered for the offence under Sections 296(b), 351(2), 64(2)(f) and 69 of BNS, 2023.

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2.It is the case of the prosecution that the petitioner aged 26 years and the victim girl aged 19 years are relatives and they had a love affair; that the petitioner, on the promise of marriage, had physical relationship with the victim on several occasions; that thereafter, the petitioner had refused to marry her; that due to which, the victim girl had attempted to commit suicide by consuming poison, that when the victim's mother approached the petitioner's family members, the petitioner along with the other accused had abused her in filthy language, assaulted her and threatened her of dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; and that in any case, the petitioner is in custody from 27.03.2025 and hence, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and opposed the grant of bail.



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

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6.Considering the nature of allegations, the period of incarceration, the fact that there was consensual relationship between the petitioner and the victim, 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 **District Magistrate/Judicial Magistrate, Pangipettai**, 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;



[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.

16.04.2025

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- 1.The Inspector of Police,
S.H.O. Bhuvanagiri Police Station,
Cuddalore District.
- 2.The District Magistrate/Judicial Magistrate, Pangipettai.
- 3.District Prison, Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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