



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12489 of 2025

Rajkumar

...Petitioner/Accused 2

Vs.

State rep by
The Inspector of Police,
Ambattur All Women Police Station,
Ambattur, Chennai.

(Crime No.8 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.8 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.V.D.Rajendraprasad

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who surrendered and was remanded to judicial custody on 14.03.2025, seeking



bail in Crime No.8 of 2025 registered for the offence under Sections 64, 351(3) and 49 of BNS, 2023.

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2.It is the case of the prosecution that on 27.12.2024 at about 4.30 a.m., while the defacto complainant was sleeping, A1 removed her dress and forcibly had sexual intercourse with her under threat; that thereafter, he threatened the defacto complainant not to disclose the same to anyone and left the place; that thereafter, the defacto complainant informed the said occurrence to the petitioner, who is her husband; that the petitioner told her not to disclose the said occurrence to anyone and asked her to adjust with A1 as the petitioner had borrowed money from A1 and also threatened her of dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution; that due to matrimonial differences between the petitioner and the defacto complainant, a false complaint has been given; and that the petitioner is in custody from 14.03.2025 and hence, further custody of the petitioner is not required and sought for bail.



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

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 and since further custody of the petitioner 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 **Judicial Magistrate, Ambattur**, 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;

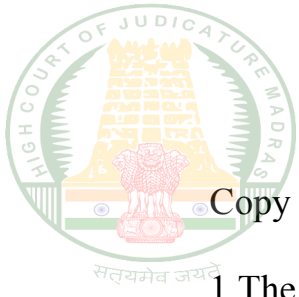
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

24.04.2025

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Copy to:

- 1.The Inspector of Police,
Ambattur All Women Police Station,
Ambattur, Chennai.
- 2.The Judicial Magistrate, Ambattur.
- 3.The Superintendent of Prison, Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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