



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12345 of 2025

Nandhakumar

...Petitioner/Accused

Vs.

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

(Crime No.16 of 2025)

... Respondent

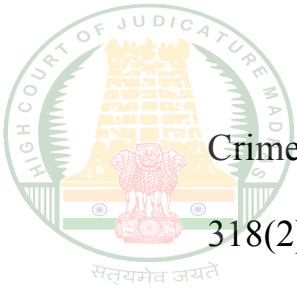
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.16 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Pragadeesh Kumar

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 25.03.2025, seeking bail in



Crime No.16 of 2025 registered for the offence under Sections 64 and 318(2) of BNS, 2023.

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2.It is the case of the prosecution that the petitioner aged 26 years and the defacto complainant aged 24 years had a love affair since 2023; that on the promise of marriage, the petitioner had sexual intercourse with the defacto complainant from 24.12.2024 on several occasions; that the defacto complainant became pregnant; that the petitioner had given tablets to abort the foetus and thereafter, the petitioner refused to marry the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations against the petitioner are false and that in any case, considering the fact that it was a consensual relationship and the period of incarceration, the petitioner may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the fact that it is a case of love affair; that the petitioner, on the promise of marriage, had sexual intercourse with the defacto complainant.



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

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6.The petitioner is in custody from 25.03.2025. Considering the nature of allegations, the fact that the relationship between the petitioner and the defacto complainant was consensual, this Court is of the view that further custody 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 Judicial Magistrate, Nagapattinam**, 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;

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[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]***;

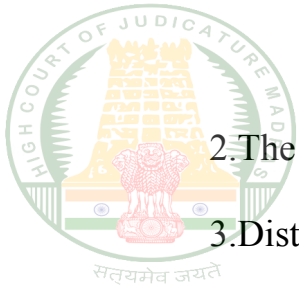
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.04.2025

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Copy to:

1.The Inspector of Police,
All Women Police Station,
Nagapattinam.



2.The Additional Mahila Judicial Magistrate, Nagapattinam.

3.District Jail, Nagapattinam.

4.The Public Prosecutor, High Court, Madras.

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SUNDER MOHAN, J.

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