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CRL O.P. No.12923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.12923 of 2025

Manoj Kumar S/o. Kumar

... Petitioner / Accused-1

Vs

State rep. by:-

The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
[Cr. No.60 of 2025]

... Respondent

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.60 of 2025, pending investigation on the file of the respondent
Police.

For Petitioner : Mr. A. Ashvathamam

For Intervenor : Mr. A. Kumar

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 09.04.2025, seeking bail in Crime No.60 of 2025 registered for the offences under Sections 69, 88 and 3(5) of B.N.S. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that the petitioner and the victim girl had a love affair; that on the promise of marriage, the petitioner had sexual intercourse with the victim girl on several occasions and thereafter, refused to marry her; and thus, the petitioner committed the aforesaid offences.

3. Learned counsel for the petitioner would contend that admittedly, the petitioner and the victim girl had a love affair for a long time; that the sexual intercourse was on the promise of marriage is false; that since the relationship was continuous even according to the defacto complainant; that the defacto complainant was aware of the consequences of the act; that in any case, considering the period of



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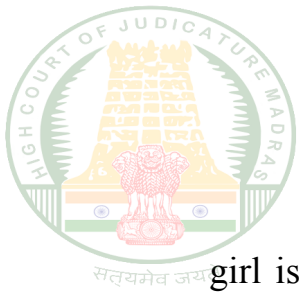
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incarceration of the petitioner and since further custody of the petitioner is not required, he may be released on bail.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that only on the promise of the marriage, the petitioner had sexual intercourse with the victim; that the victim also had sustained injuries such as nail marks and therefore, the petitioner should not be released on bail at this stage.

5. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S..

6. This Court perused the FIR and the statement of the victim. It is seen that the petitioner and the victim were known to each other for one and half years prior to the date of complaint. The petitioner and the victim had a consensual relationship during the said period. The victim



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girl is aware of the consequences of the act. Considering the aforesaid facts, period of incarceration, nature of allegations 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.

6. 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**, one of them should be a blood relative and another surety should be a local surety, each for a like sum to the satisfaction of the **Judicial Magistrate, Uthangarai** 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 appear before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

28.04.2025

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To

1. The Judicial Magistrate, Uthangarai.
2. The Inspector of Police, Singarapettai Police Station, Krishnagiri District.
3. The District Prison, Dharmapuri.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,

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