



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P. No.13257 of 2025

Vellaisamy

..Petitioner/
Accused No.1

/versus/

State rep. by
The Inspector of Police,
Ambattur All Women Police Station,
Ambattur, Chennai.
(Crime No.8 of 2025)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act
pleaded to enlarge the petitioner on bail arrested in Crime No.8 of 2025
pending on the file of the respondent police.

For Petitioner : Mr.J.Puratchidhasan

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



ORDER

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Petition seeking bail in connection with Crime No.8 of 2025 registered for the alleged offences punishable under Sections 64, 351(3) and 49 of BNS Act is on board for consideration.

2. The case of the prosecution is that on 27.12.2024, A2/the husband of the defacto complainant, left the defacto complainant in the house of A1, who is their relative, since A2 went to native place and on that day, when the defacto complainant was sleeping, the petitioner removed the dress and forcibly had sexual intercourse with the defacto complainant under threat and thereafter, he threatened the defacto complainant not to disclose the occurrence to anyone and left the place. Thereafter, The defacto complainant informed her husband (A2) about the occurrence, but he advised her not to disclose it to anyone. He further told her to adjust with A1, as (A2), the husband of the defacto complainant, had taken a loan from A1, and if she did not comply, A1 might demand repayment of the loan.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in

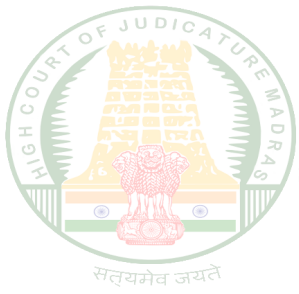


this case. He further submitted that the petitioner voluntarily surrendered before the Judicial Magistrate, Ambattur on 14.03.2025 and the respondent police took custody of the petitioner for enquiry. He also submitted that the petitioner is ready to abide by any stringent conditions, that may be imposed by this Court and prayed for bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent, submitted upon instruction that the husband of the defacto complainant had taken a loan from the petitioner, which he failed to repay. Taking advantage of this situation, the petitioner misbehaved with the defacto complainant.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side and taking note of the fact that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the



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satisfaction of the **learned Judicial Magistrate, Ambattur;**

(2) **The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.**

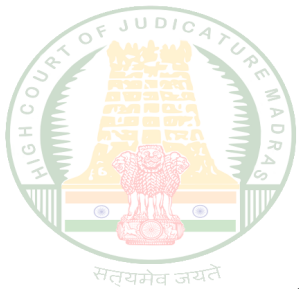
(3) The sureties shall affix their photographs and left thumb impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The Judicial Magistrate, Ambattur.
- 2.The Inspector of Police,
Ambattur All Women Police Station,
Ambattur, Chennai.(Crime No.8 of 2025)
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR, J.

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