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Crl.O.P.No.13578 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13578 of 2025

Abhishek

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

(Crime No.95 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.95 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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 21.02.2025, seeking bail



in Crime No.95 of 2025 registered for the offence under Sections 296(b), 115(2), 118(1), 126(2), 309(4), 311 and 70(1) of BNS, 2023 r/w 67 of IT Act, 2000.

2.It is the case of the prosecution that the defacto complainant and her friend were threatened at knife point and A1 and A2 had forcible sexual intercourse with the victim girl; that thereafter, took pictures and also took away cash of Rs.15,000/- and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegation against the petitioner is false; that the only overt act attributed against the petitioner is that he has taken away cash of Rs.4,000/- from the victim girl; that he was not involved in the offence of rape; that the similarly placed co-accused was granted bail by this Court in CrI.O.P.No.8401 of 2025; and that in any case, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that A1 and A2, who are involved in the

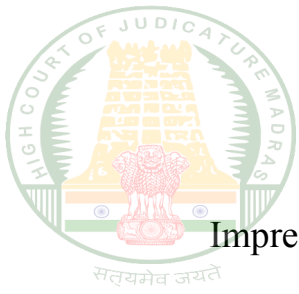


offence of rape, have been detained under Tamil Nadu Act 14 of 1982; that the similarly placed co-accused were granted bail by this Court in CrI.O.P.No.8401 of 2025 on 15.04.2025 and that the petitioner has two previous cases and he is on bail in those cases.

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

6.Considering the aforesaid facts, the nature of allegations against the petitioner, period of incarceration, the stage of investigation, the fact that the previous cases registered against the petitioner are under Section 323 of IPC, the similarly placed co-accused was granted bail by this Court 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, Additional Mahila Court, Krishnagiri**, 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;

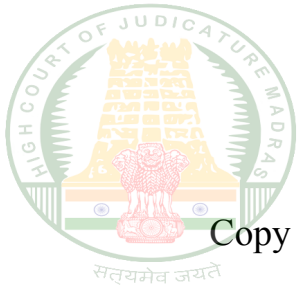
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

30.04.2025

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- 1.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
- 2.The Judicial Magistrate, Additional Mahila Court, Krishnagiri.
- 3.The Superintendent of Prison, Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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