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Crl.O.P.No.14892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14892 of 2025

Dhanush D

... Petitioner/A1

Vs.

The State of Tamil Nadu,
Rep by Inspector of Police,
Thirukoilur AWPS,
Kallakurichi.
(Crime No.39 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.39 of 2025 on the file of the respondent police station.

For Petitioner : Mr.AR.Balaji

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2025, for the offences punishable under Sections 69, 296(b), 115(2) and 351(2) of BNS, 2023 (294, 323 and 506 of IPC) in connection with



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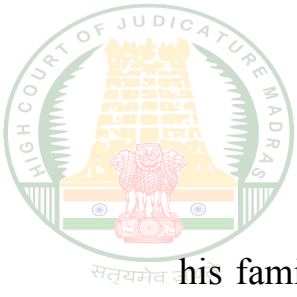
Crime No.39 of 2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that the petitioner had intimate relationship with the de-facto complainant under the false promise of marriage, thereby the de-facto complainant became pregnant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is a college going student. The petitioner and victim are relatives. Both of them had a love affair and they moved closely. Now the victim is stated to be pregnant. The petitioner's apprehension is that he might not be a reason for the victim's pregnancy. The learned counsel for the petitioner filed an affidavit stating that petitioner after attaining majority and after confirmation of DNA test that the petitioner is the father of the baby, he would marry the victim. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the victim and the petitioner are aged about 19 years and they are relatives. The petitioner is the reason for her pregnancy and now he is taking a different stand. The petitioner along with



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his family members forced the victim to abort the pregnancy. The victim is now 8 months pregnancy and soon to deliver a baby. Now the petitioner has also given an undertaking that he would marry the victim once he attains the age for marriage.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsels on either side, it is a case of love affair and it is a consensual relationship and the petitioner had also given an undertaking that he will marry the victim once he attains the age of marriage, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Tirukoilur**, and on further conditions that:

[a] 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



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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs 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 make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

19.06.2025

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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 the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate,
Tirukoilur.

2.The Inspector of Police,
Thirukoilur AWPS,
Kallakurichi.

3.The Superintendent,
District Jail, Villupuram.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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