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Crl.O.P.No.14927 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14927 of 2025

Ashwinmukeeswar

... Petitioner

-VS-

State Rep. by,
The Inspector of Police,
All Women Police Station,
Tiruvarur.
(Crime No.16 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.16 of 2025, on the file of the respondent police Inspector of Police, All
Women Police Station, Thiruvarur.

For Petitioner : Mr.V.Johnson Yuvaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2025 for the offences punishable under Sections 296(b), 318(2), 64 and 133 of BNS (294(b), 417, 376 & 355 IPC) in Crime No.16 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested by the respondent police on 18.04.2025. According to the petitioner, the petitioner and the defacto complainant have met in the working place, they developed friendship and subsequently they developed love with each other and the petitioner promised to marry the defacto complainant and they mutually had physical relationship on multiple occasions. In November 2024 the defacto complainant became pregnant and the defacto complainant asked the petitioner to marry her, the petitioner accepted to marry her but requested the defacto complainant to abort the child but the defacto complainant refused but the child got aborted naturally and they both got married on 06.01.2025. The petitioner's parents abused the defacto complainant with filthy language. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has



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been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submitted that in this case the petitioner and the defacto complainant were in love affair and later they had physical relationship and the defacto complainant became pregnant and thereafter aborted naturally. The petitioner had married the defacto complainant and the petitioner's parents abused the defacto complainant with filthy language. Hence, he opposed for granting bail to the petitioner.

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

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, 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 Additional Mahila Court (Magistrate Level), Thiruvavarur*, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of 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., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make herself 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 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 the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The learned Additional Mahila Court (Magistrate Level),
Thiruvavur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruvavur.
- 3.The Superintendent,
Sub Jail, Nannilam.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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