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Crl.O.P.No.16705 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16705 of 2025

Hariharan

... Petitioner

Vs.

State rep. by
The Inspector of Police
Vandavasi South Police Station
Thiruvannamalai District

... 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.117 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.C.Karl Marx

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.04.2025, for the offences punishable under Sections 294(b), 379, 506(ii)IPC @ Sections 294(b), 420 and 506(ii) IPC, in connection with Crime No.117 of



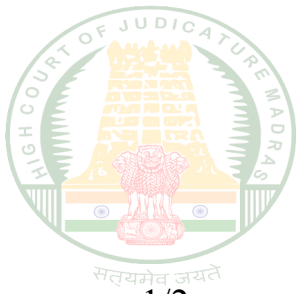
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2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is said to have cheated the de-facto complainant two sovereigns of gold jewels which was pledged by him during February 2024, for his educational expenses and when it was questioned by the de-facto complainant, the petitioner abused her in filthy language and criminally intimidated her. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner hails from a poor family and due to educational expenses, he sought help from the de-facto complainant and now, the de-facto complainant lodged a false complaint stating that the petitioner is refusing to marry her daughter. The learned counsel further submitted that the petitioner is suffering incarceration from 30.04.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner had a love affair with the de-facto complainant's daughter for the past 5 years and during that period, he collected 9-



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1/2 sovereigns of gold and cash of Rs.1,00,000/- in one pretext or other and now, he refused to marry the daughter of the de-facto complainant since he got a proposal from a healthy family. However, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone 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 Judicial Magistrate No.I, Vandavasi**, 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 Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[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 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;

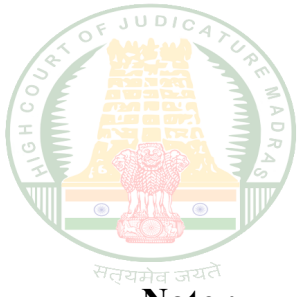
[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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]**;

[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 Judicial Magistrate No.I, Vandavasi
2. The Inspector of Police
Vandavasi South Police Station
Thiruvannamalai District
3. The Central Prison, Vellore
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.
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