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Crl.O.P.No.20043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20043 of 2025

Sivaraj

... Petitioner/Accused

Vs.

State rep by
the Station House Officer,
AWPS Kallakurichi,
Kallakurichi District.
(Crime No.37 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.37 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.Abdul Samath

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.06.2025, for the offence punishable under Sections 69 and 45 of BNS,



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2023 in connection with Crime No.37 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 and the de-facto complainant were working in a textile shop and they were in love with each other. The petitioner on the false promise of marriage had sexual intercourse with the de-facto complainant on several occasions, thereby the de-facto complainant became pregnant and later aborted. When the de-facto complainant approached the family members of the petitioner for marriage, the petitioner and his family members refused for marriage and threatened the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner and the de-facto complainant were working in a textile shop together and the petitioner behaved in a friendly manner with the de-facto complainant, which was now projected as though the petitioner had sexual relationship with the de-facto complainant on the false promise of marriage. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal side) while opposing for the grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner had cheated the victim girl and is now refusing to marry her. He further submitted that investigation in this case is at the final stage.

5. Heard the learned counsel appearing on both sides.

6. Considering the submissions made on either side, the period of incarceration undergone by the petitioner and investigation in this case is almost completed, 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, Kallakurichi** 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



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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 thirty (30) days, thereafter as and when required for interrogation;

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

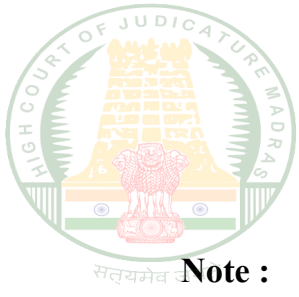
[d] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note :

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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,
Kallakurichi.

2.The Station House Officer,
AWPS Kallakurichi,
Kallakurichi District.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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