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CrI.O.P.No.21821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21821 of 2025

Avin Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women's Police Station,
Tiruvannamalai District.
(Crime No.34 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.34 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Vimal B.Crimson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.11.2024 for the offences punishable under Sections 417, 498-A, 313, 506(2) and Section 109 of IPC in Crime No.34 of 2024 on the file of the respondent police, seeks bail.

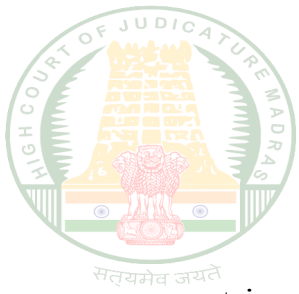


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2. The case of the prosecution is that the petitioner and the defacto complainant got married on 04.05.2022 and thereafter the defacto complainant became pregnant. It is alleged that, on the false assurance of taking the defacto complainant to his house, the petitioner compelled her to undergo abortion. Further, it is alleged that the petitioner has now attempted to get a second marriage with the help of his parents. Hence, the complaint.

3. The contention of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the interim bail was granted to the petitioner on 22.11.2024 till 24.11.2024. Subsequently, the petitioner's father was died, so the interim bail was extended periodically till 20.12.2024. He further submitted that the matter has been referred to Mediation and the same has been settled between the parties with the conditions that (i) the petitioner agreed to execute the deed of property in favour of the defacto complainant (ii) Registration of Marriage and for holding Marriage Reception and (iii) to register the name of the defacto complainant in the service register of the petitioner. He further submitted that he also paying a monthly maintenance amount of Rs.10,000/- per annum to his wife till his suspended from the service. He further submitted that he is ready to abide by



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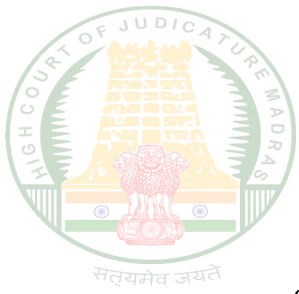
any stringent conditions that may be imposed by this Court and hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He also submitted that the petitioner has no previous case against him.

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

6. It is seen that the marriage between the petitioner and defacto complainant was solemnized on 04.05.2022, as a love marriage and thereafter, they lived together. Prior to the marriage, they had a physical relationship, as a result, she became pregnant. Both the petitioner and the defacto complainant are B.E. Agricultural graduate. Subsequently, the petitioner got Government employment while the defacto complainant did not. Owing to the marital dispute, the petitioner was placed under suspension from service and her brother also lost his employment.

7. Considering the submissions made by the learned counsel appearing on either side and taking note of the nature of allegation and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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 **Judicial Magistrate (Additional Mahila Court Magistrate Level), Tiruvannamalai**, 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;

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for 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;



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[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.

05.08.2025

drl

To

1. The Judicial Magistrate
Additional Mahila Court Magistrate Level,
Tiruvannamalai.
2. The Inspector of Police,
All Women's Police Station,
Tiruvannamalai District.
3. The Superintendent, Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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