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Crl.O.P.No.24952 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.24952 of 2025

Shahinkhan Rajahan

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
J-8, Neelankarai All Woman Police Station,
Chennai 41.
(Crime No.18 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.18 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

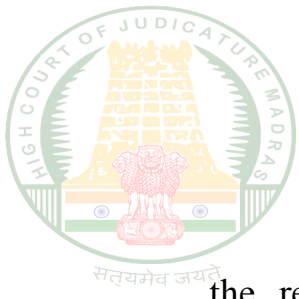


ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2025 for the alleged offences punishable under Section **64 of BNS**, in **Crime No.18 of 2025** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant, who is aged about 21 years old were in love with each other. Taking advantage of the relationship, while they were staying in a hotel, this petitioner had forcibly raped the victim and after knowing the occurrence A2 attempted to rape the victim. Hence, the case.

3. The learned counsel appearing for the petitioner states that the petitioner/A1 was arrested on 24.06.2025, the petitioner was in love with the defacto complainant. Since the defacto complainant stay with the petitioner herein was known to the father of the victim girl for the purpose of avoiding bad name, she came forward and lodged the complaint. He further submitted that the co-accused has been released on bail in Crl.O.P.No.20067 of 2025 dated 16.07.2025. Hence, he prayed for grant of bail to the petitioner.

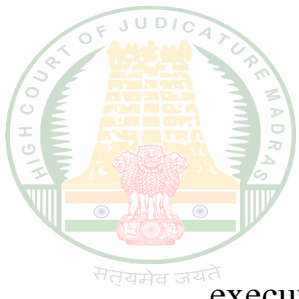


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4. The learned Government Advocate (Criminal.Side) appearing for the respondent police reported that by taking advantage of the prior relationship, this petitioner took the victim to the hotel and forcibly raped her. Thereafter, A2 is also attempted to rape the victim and the petitioner/A1 was arrested on 24.06.2025. Hence, he opposed grant of bail to the petitioner.

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

6. Considering the fact that the petitioner and victim girl are in lovers for the past one year and she voluntarily accompanied with him in the room and they were staying together and thereafter the allegation of forcible intercourse had taken. It is also reported that the co-accused was released on bail in Crl.O.P.No.20067 of 2025 dated 16.07.2025. Considering the nature of allegation, the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties**, for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet, Chennai-15** 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 the0 identity proofs to ensure their identity;

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

[c] 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**



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Kerala [(2005)13 SCC 283];

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

22.09.2025

dna

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.



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K.RAJASEKAR, J.

dna

To

1.The XVIII Metropolitan Magistrate, Saidapet,
Chennai-15.

2.The Inspector of Police,
J-8, Neelankarai All Woman Police Station,
Chennai 41.
(Crime No.18 of 2025)

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor
High Court of Madras,
Chennai 600 104.

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