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Crl.O.P.No.26450 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26450 of 2025

Suresh

... Petitioner/ Accused

Vs

The State rep. by,
The Station House Officer,
The Inspector of Police,
AWPS, Kallakurichi,
Kallakurichi District.
(Crime No.53 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.53 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Balaji

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



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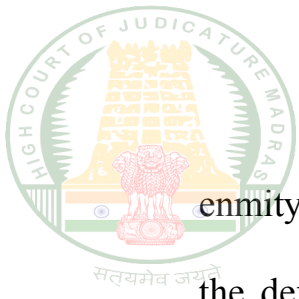


ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.08.2025 for the offences punishable under Sections 64 and 351(1) of BNS in Crime No.53 of 2025, registered on the file respondent police, seeks bail. The earlier bail application of the petitioner in Crl.O.P.No.23537 of 2025 was dismissed by this Court, vide order dated 01.09.2025.

2. The case of the prosecution is that on 15.05.2025, the petitioner, who is the neighbour of the defacto complainant trespassed into the defacto complainant's house and forcibly raped her and also criminally intimidated her not to reveal the same to her husband; that while so on 02.08.2025 at about 01:00 p.m., the petitioner again trespassed and attempted to commit rape on her; that since the defacto complainant shouted for help, the petitioner ran away. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner had not committed any offence and on account of previous



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enmity and to counter blast the complaint given by the petitioner against the defacto complainant's husband, a false complaint was lodged against the petitioner and he is in custody since 03.08.2025. He also submitted that the alleged occurrence is said to have taken place in the month of May, 2025 and the complaint was lodged belatedly and the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the investigation is completed.

5. Considering the facts of the case, taking note of the fact that the first alleged occurrence is said to have taken place in the month of May, 2025 and the FIR was registered belatedly 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Judicial Magistrate, 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 of any one of the identity proofs to ensure their identity;

[b] the petitioner shall stay at Villupuram and report the Inspector of Police, Villupuram Town Police Station daily at 10:30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdiction of the respondent police, until further orders.

[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 Kerala [(2005)13 SCC 283]**;



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

25.09.2025

stn

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,
Kallakurichi.
2. The Station House Officer,
The Inspector of Police,
AWPS, Kallakurichi,
Kallakurichi District.
(Crime No.53 of 2025)
3. The Superintendent,
Central Prison, Cuddalore.



4. The Public Prosecutor,
High Court of Madras

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stn

5. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

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