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Crl.O.P.No.25746 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

**CRL OP NO.25746 of 2025
and CRL MP NO.17960 of 2025**

Dinesh

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
W-28, AWPS,
Ambattur, Chennai - 600 053.
(Crime No.37 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.37 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. R. Vivekananthan

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 14.08.2025, for the offences punishable under Sections 376(2)(1) and 506(ii) of IPC in Crime No.37 of 2025, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has got married with the younger daughter of the defacto complainant and the victim is the elder daughter of the defacto complainant, who is suffering from mental illness; that while the victim lady was alone in her home, the petitioner forcibly taken her to bathroom, raped her and also threatened her of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that on account of family dispute between the petitioner and his wife's family members and in order to grab the property, which was settled in favour of the petitioner's wife by her father, a false complaint was lodged. He also submitted that the petitioner's wife had given various complaints and filed a



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civil suit as against the defacto complainant and her family members and in order to settle score, a false complaint was lodged against the petitioner herein. He further submitted that the petitioner is in judicial custody since 14.08.2025 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 counsel appearing for the intervener raised strong objection in granting bail to the petitioner by stating that, the petitioner had influenced the younger daughter of the defacto complainant and started living in relationship with her; that due to societal pressure and to safeguard the culture and customary, the marriage was conducted between the petitioner and the younger daughter of the defacto complainant on 30.10.2020 and for which, the petitioner forcibly barged the property of the defacto complainant before the said marriage; that further the victim lady, who is the elder daughter of the defacto complainant is a mentally ill and suffering from serious mental condition and taking advantage of her precarious condition, the petitioner forcibly raped her. He also submitted that the petitioner had stolen 240 grams of gold from the defacto complainant by break opening the locker on 07.06.2022 and a complaint in



that regard is under investigation at the Office of the ACP, Ambattur. He also submitted that the petitioner is having association with rowdy elements and the petitioner illegally usurped the property of the defacto complainant and threatened her.

5. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the petitioner is the son-in-law of the defacto complainant, who got married with the younger daughter of the defacto complainant and the victim in this case is mentally ill person and suffering from Schizophrenia and the elder daughter of the defacto complainant. He also submitted that, while the defacto complainant went to see the child of the petitioner, the victim enraged and opposed the same; that upon enquiry, the victim stated that the petitioner had forcibly raped her, hence the present complaint. He also submitted that already a civil property dispute is pending between the parties and the major part of the investigation is completed.

6. I have considered the submissions made and perused the



materials available on record including the FIR and the 164 statement of the victim.

7. Considering the facts and circumstances of the case, the nature of allegation, the fact that there is already a civil dispute pending between the parties, the occurrence said to have taken place in the year 2020, the period of incarceration undergone by the petitioner and the major part of the investigation has been completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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, Ambattur** 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 stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station daily at 10:30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limit of the respondent police;

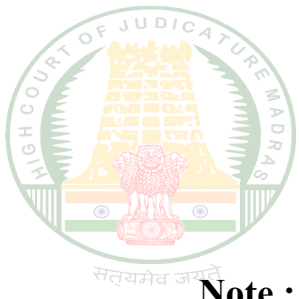
[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

9. Accordingly, this criminal original petition and the connected criminal miscellaneous petition are ordered.

23.09.2025

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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,
Ambattur.
2. The Inspector of Police,
W-28, AWPS,
Ambattur, Chennai - 600 053.
(Crime No.37 of 2025)
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

stn

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