



CRL OP(MD). No.2322 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2322 of 2025

Buthineshwaran,
S/o Elangovan,
1/162 Adhikudi,
Lalgudi Taluk,
Trichy District.

... Petitioner/ Accused No.1

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Lalgudi, Trichy,
Trichy District.
Cr. No.35 of 2024.

...Respondent / Complainant

2. Abirami,
W/o Buthineshwaran,
1/162 Adhikudi,
Lalgudi Taluk,
Trichy District.
(Respondent No.2 Suo Motu Impleaded).

...2nd Respondent/Defacto complainant



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For Petitioner : Mr.A.Joel Paul Antony,
Advocate
WEB COPY

For R-1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For R-2 : Mr.T.Lenin Kumar,
Advocate

PRAYER :-

For Bail in Crime No.35 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioner was arrested and remanded to judicial custody on 04.11.2024 for the offences punishable under Sections 318(2), 64 and 89 of BNS, 2023 in Crime No.35 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner on a false promise of marrying the defacto complainant, had an extramarital relationship with her and thereafter, when she was pregnant, the petitioner was taking steps to abort the child and demanded more dowry to marry her. Hence, the case.

4. Mr.A.Joel Paul Antony, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged



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by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the defacto complainant loved each other and married on 06.10.2024, and that due to some misunderstanding between them, the defacto complainant has lodged the false complaint. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in incarceration since 04.11.2024. He therefore prays for grant of bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that if bail is granted to the petitioner, he may cause a threat to the defacto complainant and her family members. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.T.Lenin Kumar, learned counsel appearing for the second respondent submits that the defacto complainant is now six months pregnant. He further submits that the petitioner is not willing to marry the defacto complainant though he is responsible for her pregnancy. Hence, he opposes to grant bail to the petitioner.

7. Heard on both sides. This Court has perused the records.

8. In view of the nature of offence and the attitude of the petitioner that he attempted to abort the child, this Court is of the opinion that if bail is granted to the



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petitioner, he may cause a threat to the defacto complainant and her family members and thereby, causing inconvenience to her. Hence, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
26/02/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY,
TRICHY DISTRICT.
2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2322 of 2025
Date :26/02/2025

TSG

MK/SKN/SAR /07.03.2025 4P/4C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023