



CRL OP (MD) No.5478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5478 of 2025

Akash

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Samayanallur, Madurai District.
Crime No.50 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.Mahendra Pathy
Advocate

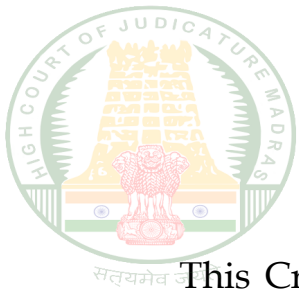
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.50 of 2024 on the file of the respondent- police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 24.01.2025 for the offences punishable under Sections 318, 64, 296(b) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.50 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner (A1) and the defacto complainant were in a romantic relationship. On the false promise of marriage, the petitioner had sexual intercourse with the defacto complainant on 18.07.2024, and thereafter on several occasions, as a result of which the defacto complainant became pregnant. Upon learning of the pregnancy, the petitioner subsequently avoided the defacto complainant and refused to marry her. A2, who is the mother of the petitioner, allegedly threatened the defacto complainant with dire consequences. Hence, the complaint.

4. Mr.S.Mahendrapathy, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against him. He further submits that the petitioner has been in judicial custody since 24.01.2025 and



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is ready to abide by any conditions that may be imposed by this Court. He therefore
prays to grant bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation in this case has been completed and the charge sheet has been filed before the concerned Court. He further submits that a male child was born on 16.04.2025, and as per the Doctor's advice, a DNA sample can be taken from the child after a period of thirty days from the date of birth. Therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the proceedings, evade further medical examination, and cause threat to the defacto complainant, the child, and her family member. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 24.01.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, and taking note of the fact that the petitioner himself is ready to co-operate for the DNA sample collection, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the period of



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incarceration, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Vadipatti, Madurai District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District;

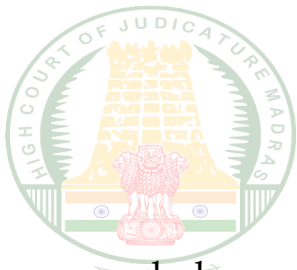
(iv) The petitioner shall appear and sign before the respondent- police daily at 10.00 am until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not enter into the defacto complainant's house or



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workplace and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant, her family members, or the witnesses, and shall not cause any harm or danger to the child; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Vadipatti, Madurai District is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
29/04/2025

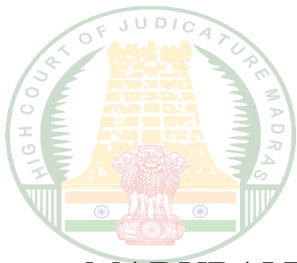
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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,



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MADURAI DISTRICT.

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3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
SAMAYANALLUR,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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Date :29/04/2025

HPS/02.05.2025 /6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023