



CRL OP (MD) No.5972 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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A.Perumal

... Petitioner/ Sole Accused

Vs

1.The State of Tamil Nadu

Rep. by the Sub Inspector of Police,

All Women Police Station,

Virudhunagar.

Crime No.23 of 2024

... Respondent No.1/ Complainant

2.C.Kavitha

... Respondent No.2/ Defacto Complainant

For Petitioner : Mr.T.Thirumurugan
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.23 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 27.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 20.10.2024. Thereafter, interim bail was granted to the petitioner by this Court on 06.12.2024 in CrI.O.P.(MD) No.21473 of 2024. Since the said bail petition was dismissed on 30.01.2025, the petitioner was surrendered before the officer-in-charge, District Jail, Virudhunagar District at Srivilliputhur on 14.02.2025 and has been in judicial custody since then. FIR in Crime No.23 of 2024 was registered against the petitioner for the alleged offences punishable under Sections 69 and 351(2) of BNS, 2023.

3. The case of the prosecution is that the defacto complainant, a widow with a child, was in a love affair with the petitioner, who is a bachelor. The petitioner, under the false pretense of promising to marry her and take care of her child, had sexual intercourse with the defacto complainant on several occasions, particularly on 15.08.2024 and again nine days thereafter. As a result, the defacto complainant became pregnant. When she informed the petitioner of the pregnancy, he denied responsibility, stating that he was not accountable, and that a marriage had been proposed between him and another woman. He also allegedly threatened to kill her. Hence, the case.

4. Mr.T.Thirumurugan, learned counsel appearing for the petitioner, submits



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that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody for the past 84 days and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that investigation in this case has already been completed and the charge sheet was also filed before the concerned Court. However, he submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and other witnesses and thereby delay the trial. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner surrendered before the Officer-in-Charge, District Jail, Virudhunagar District at Srivilliputhur on 14.02.2025, after the grant of interim bail and subsequent dismissal of the bail petition, and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the fact that the investigation has been completed and the charge sheet has been filed before the concerned Court, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Considering the same and also considering the period of incarceration suffered by the petitioner, this Court is



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inclined to grant bail to the petitioner, however, subject to certain conditions.

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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 No.II, Virudhunagar;

(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 No.II, Virudhunagar 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 the learned Judicial Magistrate No.II, Virudhunagar;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Virudhunagar, on all working days, at 10.30 a.m. 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



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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 workplace;

(ix) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Virudhunagar 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/-
16/04/2025

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16/04/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO मेव जयते

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1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VIRUDHUNAGAR.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-4316[I] dated 16/04/2025)

ORDER

IN

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Date :16/04/2025

RS//SAR-(16.04.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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