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CRL O.P. No.10910 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2026

CORAM

The Hon'ble Mr.Justice P.DHANABAL

Crl. O.P. No.10910 of 2026

S.Dhakshnamoorthy

... Petitioner/A1

VS

The State by
The Inspector of Police
W-27, AWPS Vadapalani Police Station
Chennai (Crime No.03/2026)

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of BNSS Act praying to grant bail to the petitioner pending investigation in Crime No.3 of 2026 on the file of the respondent Police.

For Petitioner	:	Mr.M.Gokul Raj for M/s.AAA Law Firm
For Respondent	:	Mr.S.Vinothraja Government Advocate (Crl. side)

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 12.03.2026 for the offences punishable under Sections 64(2) (f), 64(2)(l) and 64(2)(m) of BNS, 2023 in Cr. No.03 of 2026 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner is A1 and the mother of the defacto complainant is A2. A2 had gained some financial assistance from A1, for the purpose of her elder daughter's marriage. While being so, A2 gave tablet to the victim girl, who is her own younger daughter and when the victim was in an unconscious state, A1 had committed rape on her and he has repeated the same on many occasions with the help of A2 and hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 12.03.2026. the petitioner has been falsely implicated in this case. The petitioner is an innocent and he is nothing to do with the alleged offences. The earlier bail application filed by the petitioner before this Court was dismissed. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner has committed rape. Based on the complaint given by the defacto complainant, this case was registered against the accused. It is further submitted that DNA test report is yet to be received



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and further, 183 of BNS statement from the victim girl has also been received. Hence, he strongly opposed granting bail to the petitioner.

5. Considering the rival submissions made on either side, considering the nature of offences and further, the petitioner has no previous case and also considering the period of incarceration of the petitioner from 12.03.2026, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **23rd Metropolitan Magistrate Court, Saidapet, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] 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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

13.05.2026

Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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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.

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To

- 1.The 23rd Metropolitan Magistrate Court, Saidapet, Chennai
- 2.The Public Prosecutor, High Court, Madras.
- 3.Central Prison-II, Puzhal, Chennai
- 4.The Inspector of Police, W-27,
AWPS Vadapalani Police Station, Chennai.



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P.DHANABAL,J

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