

(2026) 06 MAD CK 0179

In the Madras High Court

Case No : Criminal Original Petition No. 13710 Of 2026

Akilan

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 04-06-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 69, 269, 351(2)

Citation : (2026) 06 MAD CK 0179

Hon'ble Judges : C.Kumarappan, J

Bench : Single Bench

Advocate : W.Camyles Gandhi, S.Yogaraja Sekar

Judgement

C.Kumarappan, J

1. The petitioner, who was arrested and remanded to judicial custody on 09.05.2026 for the alleged offences under Sections 69 and 351(2) of BNS, in Crime No.33 of 2026 on the file of the respondent police, seeks bail.
2. The case of the prosecution is that the petitioner and the de facto complainant were in love and, on the promise of marriage, the petitioner had a physical relationship with the de facto complainant. Subsequently, when the marriage was proposed, the petitioner's family refused the same and threatened the parent of the de facto complainant. Hence, the case.
3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in custody since 09.05.2026 and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.
4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed the bail application and would submit that the petitioner and the victim had a love affair. The allegation in the FIR is that, by deceitful means, had

a physical relationship with the victim and has now refused to marry her. If the petitioner is enlarged on bail, the life of the victim would be affected. He would further submit that the petitioner and the victim are both aged about 19 years.

5. Taking into consideration of the totality of the circumstances, though the above contention cannot be outrightly rejected and the submissions made by the learned Government Advocate (Crl.Side) carry some weight, while looking into the factual position, both the petitioner and the victim are majors and their relationship was initially consensual in nature. However, it is alleged that the petitioner had a physical relationship with the victim by deceitful means. The petitioner has been in incarceration since 09.05.2026. Therefore, at this juncture, this Court is of the firm view that further incarceration of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

6. 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 - II, Attur, 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;

[b] the petitioner shall stay at Karur and report before the Inspector of Police, Karur Police Station, Karur, twice a day at 10.30 a.m. and 05.30 p.m., for a period of 30 days;

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] 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];

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