

(2026) 01 MAD CK 1725

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 23155 Of 2025

Balaji

APPELLANT

Vs

State Of Tamilnadu And Others

RESPONDENT

Date of Decision : 05-01-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 75(1), 75(i), 75(ii), 75(2), 115(2), 269, 296(b)

Citation : (2026) 01 MAD CK 1725

Hon'ble Judges : S. Srimathy, J

Bench : Single Bench

Advocate : S.Gokulraj, S.S.Manoj

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 06.12.2025 for the offences punishable under Sections 296(b), 115(2), 75(1) 75(i) (ii) & 2 of BNS, 2023, in Crime No.16 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner falsely promised to marry the defacto complainant and had physical relationship and evaded from marrying her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 06.12.2025. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that it is a case of promise to marriage. Hence, he opposed for grant of bail to the petitioner.

5. This Court, on previous occasion, directed the prosecution to make the petitioner to appear before this Court through video conference. Today, the

accused has appeared through video conference and has accepted and admitted that he would marry the defacto complainant. Considering the same and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant interim bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Thanjavur, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner is directed to file an affidavit while producing surety stating that he would marry the defacto complainant. On such filing of affidavit, the petitioner may be released on interim bail. After registering the marriage, the petitioner shall submit the registration certificate before this Court on 04.02.2026.

[c] the petitioner shall report before the respondent police as and when required for interrogation till 04.02.2026;

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

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

[f] On breach of any of the aforesaid conditions, the learned 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 is 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 BNS.

7. Post the matter on 04.02.2026.