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Crl.O.P.No.28512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 28512 of 2024

Chelladurai
S/o. Chelliah,
No. 5/755, Selva Vinayagar Koil Street,
Otteri Extension, Vandalur,
Chennai, 600 048

Petitioner(s)

Vs

The State Rep By
The Inspector Of Police,
M6, Manali Police Station,
Chennai.

Respondent(s)

Crl.O.P.No.28512 of 2024: Petition filed under section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in Crime No.524 of 2024.

For Petitioner(s): R C Paul Kanagaraj

For Intervenor(s): S.Mohan

For Respondent(s): S.Santhosh
Government Advocate (Crl.side)



ORDER

The case of the defacto complainant is that she is working as Home Guard in Tamil Nadu Police Division. She is divorced and got three children. While so, the Accused who was working as Grade-I Police Constable in Kotturpuram Police Station had misrepresented her that he is divorced and on promise of marrying her, they had lived in the same house and during such time, cash of Rs.10,00,000/-, two motorcycles and a mobile phone were taken by the Accused and later cheated the defacto-complainant. Further, based on a private video taken when they were together, the Accused compelled her and had sexual intercourse on several occasions. Hence the case.

2. Mr.Paul Kanagaraj appearing for the petitioner would submit that the Defacto Complainant is aged about 38 years and she is a divorcee, having three children. There was consensual relationship between the petitioner and the defacto complainant from the year 2020. Later due to financial dispute between them, a false complaint has been given against the petitioner. He would submit that, in respect of two wheelers, the defacto complainant had given complaint before the Deputy Commissioner of Police, Triplicane, enquiry was also conducted and one two wheeler had been recovered. Subsequently, defacto complainant had given complaint before the Commissioner, Avadi Commissionerate on



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05.07.2023. Later based on a dishonored cheque, the defacto complainant had issued notice to the petitioner under Section 138 of Negotiable Instruments Act on 19.01.2024 and the petitioner had sent reply on 01.02.2024. Subsequently, She has also filed several complaint against the Petitioner before various Police Stations and the petitioner also appeared for enquiry. He would further submit that because of financial dispute between the parties, an exaggerated and false complaint has been given as if the petitioner had cheated the defacto complainant. He would further submit that based on the complaint given by the defacto Complainant, the petitioner has been suspended from service. He would submit that the petitioner is ready to co-operate with the respondent in the investigation and ready to abide stringent condition that may be imposed on him.

3. The learned Government Advocate (Crl.side) would submit that the petitioner who is a Grade-I Police Constable claimed to be a divorcee induced the defacto Complainant who is also a divorcee had sexual intercourse on the promise of marrying her. He would further submit that the Accused had also taken money to the tune of Rs.10,00,000/- and cheated the defacto Complainant. Hence, he would object to grant of anticipatory bail.



4. Learned Counsel appearing for the Intervenor/defacto-complainant would vehemently objects stating that the petitioner is a habitual offender. He has not only cheated the defacto-Complainant but also cheated several other women in the similar fashion and he objects for the grant of bail.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvottriyur, on condition that the petitioner shall 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent



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Police daily at 06.30 p.m for a period of two weeks and thereafter on every Saturday at 6.30 p.m until further orders;

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

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

[e] 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 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];

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

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A.D.JAGADISH CHANDIRA, J.



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