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CRL OP NO. 31442 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31442 of 2024

1.Elango
2.Saradha

Petitioner(s)

Versus

The State, Represented By Its,
The Inspector Of Police,
W33, All Womens Police Station,
Virugambakkam, Chennai District,
Crime No. 36 of 2024

....Respondent

Criminal Original Petition filed under Section 482 of BNSS Act, 2023, praying to enlarge the petitioners on bail in the event of their arrest by the respondent police pending investigation in Crime No.36 of 2024 on the file of the respondent police.

For Petitioner(s) : Mr.A.K.Sriram
Senior Advocate for Mr.P.Muthukumarasamy

For Respondent(s): Mr.S.Santhosh, Government Advocate, [Crl Side]

For Intervener : Mr.P. Raghu



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ORDER

Apprehending arrest in connection with Crime No.36 of 2024 registered for the offences punishable under Section 69 and 318 (2) Bharatiya Nyaya Sanhita 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first accused and the de-facto complainant were studying BDS at Savitha College, Chennai, in the year 2017. The first accused had proposed his love to the de-facto complainant but she informed him that she was four years elder than him and therefore, refused his proposal. Thereafter, the first accused by giving a false promise of marrying her established a physical relationship with her over the past seven years ,from 2017-2023. The said relationship between the first accused and the de-facto complainant was known to the parents of the first accused, who also agreed to their marriage. During such time, the de-facto complainant got pregnant twice and on the assurance given by the accused, she had aborted the pregnancy



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and the further allegation is that the first accused later refused to marry her stating that she has a mentally retarded brother and when the father of the de-facto complainant contacted the parents of the first accused and requested to arrange for the marriage they had blocked her calls. Hence the respondent police registered a case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned Senior counsel for the petitioners seek indulgence of this Court. He further submits that the petitioners are the parents of the first accused and they are residents of Tirunelveli and their son was studying BDS at Savitha College and they are not aware of the relationship between the first accused and the de-facto complainant who were staying at Chennai. He would further submits that the petitioners however have been roped in only to put pressure on the first accused to agree for marriage.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners are the parents of the first



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accused. The first accused and the de-facto complainant were studying BDS at Savitha College in the year 2017. The first accused on the false promise to marry her established a physical relationship with the de-facto complainant due to which, she became pregnant twice and thereafter, on the assurance to marry and compulsion, she had undergone abortion twice. The parents of the 1st accused, who were aware of the relationship, encouraged the 1st accused and later, they had prevented their son from marrying the de-facto complainant. He would further submit that the statement of the victim has also recorded under Section 183 of BNSS, 2023.

5. Mr.P.Raghu, learned Counsel appearing for the Intervener would submit that the petitioners are the parents of the first accused. The first accused had introduced the de-facto complainant as his friend and thereafter, the first accused had physical relationship with the de-facto complaint by giving a false promise to marry her over the past seven years. During which period, the de-facto complainant had become pregnant twice and later, the first accused had cheated the de-facto complainant. The petitioners who were aware of the relationship encouraged their son and



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gave assurance for the marriage, later prevented their son to marry the defacto complainant. He would vehemently oppose for grant of bail.

6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and having perused the materials available on record including the statement of the victim, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Poonamallee** on condition that the petitioners 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 petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m for a period of one week and thereafter, every Saturday at 10.30 a.m. until further orders;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



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

17.12.2024

MSM

-To

1.The Inspector Of Police,
W33, All Womens Police Station,
Virugambakkam, Chennai District,
Crime No. 36 of 2024

2.The Public Prosecutor
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

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