



CRL OP(MD). No.16460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16460 of 2024

Nanda Gopal,

... Petitioner/ Accused No.1

Vs

**The State of Tamilnadu Rep.,
By, the Inspector of Police
All Women Police Station,
Theni (Crime No. 16 of 2024).**

... Respondent/Complainant

For Petitioner : M/s. Ranjith.N., Advocate.

For Respondent : Mr.A.Albert James,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 69, 316(2) and 61(2) of BNS, in Crime No.16 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 gave a false promise to marry the defacto complainant, had sexual intercourse with her and thereafter, evaded her and he is going to perform another marriage with the help of the other accused.

3.The learned counsel for the petitioner would submit that in this case the complaint itself is given only to wreak vengeance on the petitioner. As a matter of fact, even a reading of the 164 statement would not make out an offence under Section 376 of Indian Penal Code. It can be seen that only the petitioner had gone to the house of the victim only to issue the invitation of his marriage. The petitioner was also subsequently married. The marriage was celebrated in a Kalyanamandapam only on 23.08.2024. Therefore, eventhough the First Information Report was lodged as early as on 05.07.2024 and when the petitioner was very much available, the respondent police did not even think it fit to arrest the petitioner, there is no necessity for the petitioner now to be arrested. The petitioner is a Government servant. He will co-operate with the investigation. His employment is in jeopardy. His married life is also in jeopardy. Therefore, the learned counsel for the petitioner seeks anticipatory bail.

4.I have considered the submissions made by the learned counsel for the

<https://www.mhc.tn.gov.in/judis>



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petitioner.

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5.In this case, it can be seen that on 03.07.2024 itself, a complaint call was made to 100, wherein, the petitioner and the de facto complainant were found together in the house and the police warned them and let them off. Two days later only the First Information Report is filed. In the teeth of the same, without resolving the same, the petitioner has proceeded to get married again, it is for him to face the situation. When the offence is serious in nature, when the defacto complainant alleges that there was physical intercourse by promising to marry and also the nature of 164 statement, depicting that the intercourse was against the will of the defacto complainant, I am not inclined to enlarge the petitioner on anticipatory bail.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/10/2024

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/ 10 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.16460 of 2024
Date :03/10/2024

PSP/ VR /SAR /17.10.2024/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
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