



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL O.P.No. 1072 of 2025

R.Prabakaran

Petitioner(s)

Vs.

The State of Tamilnadu,
Represented by the Inspector of Police,
All Women Police Station,
Omalur, Salem District.
(Crime No.7 of 2024)

Respondent(s)

For Petitioner(s): Mr.D.Senthilkumar

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

ORDER

Apprehending arrest in connection with Crime No.7 of 2024 registered for the offences punishable under Sections 417 and 506(i) of the Indian Penal Code, 1860, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused induced the de-facto complainant with false assurances of marriage, had sexual intercourse on several occasions, and later cheated her by not marrying her. Hence, this case.



WEB COPY

3. Learned counsel for the petitioner submits that this is a case of a consensual affair between two adults that has been falsely projected as a case of cheating. He further submits that, according to the de-facto complainant, there was a continuous relationship and physical relationship between the petitioner and the de-facto complainant from 01.08.2021, and that due to a misunderstanding, a false case has been given against the petitioner. Therefore, he prays for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal side) appearing for the respondent Police opposed granting anticipatory bail to the petitioner. He submitted that the allegation is that the de-facto complainant, who is 20 years old, and the accused is 30 years old, connected through matrimonial website and developed a love affair, had sexual intercourse, and later the accused refused to marry her. The statement under Section 184 of BNSS, is yet to be recorded. Further, he submitted that there are no previous cases pending against the petitioner.

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 including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Omalur, Salem District**, 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:

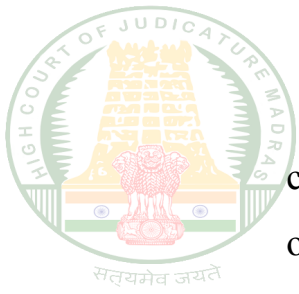
[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10:30 A.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



WEB COPY

CRL OP NO. 1072 of 2025



conditions have been imposed and the petitioner was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

28-01-2025

kl

To

- 1.The Inspector of Police,
All Women Police Station, Omalur, Salem District.
- 2.The Judicial Magistrate, Omalur, Salem District.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY

CRL OP NO. 1072 of 2025



A.D. JAGADISH CHANDIRA, J.

klr

CRL OP NO.1072 of 2025

28.01.2025