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CRL O.P. No.1251 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1251 of 2025

Gopishankar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
AWPS Vaazhapadi Police Station
Salem District.

... Respondent

[Cr. No.1 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner in Crime No.1 of 2025 on the file of the respondent police.

For Petitioner : M/s.S.Premkumari

For Respondent : Mr.S.Santosh
Government Advocate (Criminal side).

ORDER

The petitioner, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 318, 64(1), 64(2)(h), 64(2)(m) and 88 of BNS in connection with the Cr.No.1 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that there is a love affair between the defacto complainant and the petitioner and under the pretext of marriage, they had consensual sexual intercourse, however, now, the petitioner is refusing to marry the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, since the petitioner did not pay the money as demanded by the defacto complainant, false case has been foisted against the petitioner. The learned counsel prays to grant anticipatory bail to the petitioner.

4. Heard both sides and perused the materials placed on record. The petitioner is said to have jilted the defacto complainant. Upon going through the averments, though the nature of allegations made against the petitioner appears to serious, it appears that there was a consensual physical relationship. Thus, I am of the view that custodial interrogation of the petitioner is not warranted, and this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Vaazhapadi, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

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



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G.R.SWAMINATHAN, J.

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

dhk

To

- 1.The District Munsif cum Judicial Magistrate, Vaazhapadi, Salem District
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, AWPS Vaazhapadi Police Station
- 4.Salem District

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