



CRL OP NO. 1454 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1454 of 2025

Jayaram

Petitioner(s)

Vs

State Rep.by
Sub Inspector of Police,6
AWPS-Chidambaram,
Cuddalore District
(Crime No.19 of 2022)

Respondent(s)

For Petitioner(s): Mr. N. U. Pressanna

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

ORDER

Apprehending arrest in connection with Crime No.120 of 2024 registered for the offences punishable under Sections 376 ad 417 of the Indian Penal Code, 1860(I.P.C.), the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused who is known to her, compelled her to accompany him to his friend's house, where he committed penetrative sexual assault under the pretext of love. Despite her objections, the accused induced her into sexual



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intercourse and later refused to marry her. Hence, this case.

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3. Learned counsel for the petitioner submits that the petitioner is an innocent person who has been falsely implicated in this case. Further, he submits that this is a case of consensual sexual affair between the petitioner and the de-facto complainant, which was exaggerated, and a false case has been foisted against the petitioner. He further understands that the statement recorded under Section 183 BNSS reveals contradictions. In the First Information Report, it is mentioned that there was only one incident of sexual assault, whereas in the statement under Section 183 of BNSS, she has stated that the petitioner married her and lived together as husband and wife for a period of one and a half month. Later, the petitioner refused to be with her, citing objections from his family members. Furthermore, he states that the allegations made in both of the First Information Report and the statement under Section 183 of BNSS do not make out a case of cheating. It is not a case where the petitioner gave a false promise to satisfy his lust. He reiterates that it is a case of consensual sexual affair. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for



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grant of anticipatory bail, submitted that the petitioner, by giving a false promise of marriage, committed penetrative sexual assault on the de-facto complainant and later refused to marry her. Furthermore, he stated 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, and also considering 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, Parangipettai**, 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;



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[b] the petitioner shall report before the North Beach Police Station, everyday at 10:30 A.M., until further orders;

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

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

23-01-2025

klr

To

1.
State Rep.by
Sub Inspector of Police,6
AWPS-Chidambaram,



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Cuddalore District. (Crime No.19 of 2022)

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A.D. JAGADISH CHANDIRA, J.

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