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Crl OP No.1936 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 1936 of 2025

BALAKRISHNAN

S/O. Pandian, No. 171, Periyar Street,
Ambalpuram Post, Chidambaram Taluk,
Cuddalore District

Petitioner(s)

Vs

State Rep By

The Inspector of Police, All Women Police
station, Neyveli, Cuddalore. (Cr.No.04 of
2025)

Respondent(s)

For Petitioner(s):

Gandhi Kumar Kalyanasundram

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 of IPC, in Crime No.04 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant was already a married woman; that she got separated from her husband due to differences of opinion; that thereafter the petitioner expressed his love for the defacto complainant, knowing that she was a married woman; that on promise of marrying the defacto complainant, the petitioner called her to his house and had sexual intercourse with her on 22.11.2024; that subsequently, the defacto complainant became pregnant, that thereafter the petitioner did not contact her; and that since the petitioner had cheated the defacto complainant, she lodged a complaint with the respondent police for the offence under Section 417 and 420 of IPC. Hence the case.

3. The learned counsel for the petitioner submits that it is the case of consensual relationship and that the alleged sexual intercourse was not on the promise of marriage and that the allegation is after thought and in any case, the custodial interrogation of the petitioner is not required for the purpose of investigation and prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the

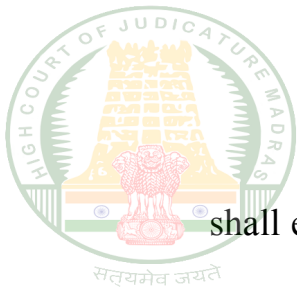


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respondent police reiterated the prosecution case and on instructions submitted that the defacto complainant is a married woman and that it is case of cheating since the petitioner, on the promise to marry the defacto complainant had sexual intercourse, as a result of which, she become pregnant and hence no indulgence should be shown to the defacto complainant.

5. Admittedly, it is case of a consensual relationship. The petitioner and the defacto complainant were known to each other since May 2023. The defacto complainant is a married woman. Hence, prima facie, this Court is of the opinion that the defacto complainant cannot be said to be a naïve or gullible person. In any case, since custodial interrogation of the petitioner is not required for the purpose of interrogation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 copy of this order, before the learned District Munsif cum Judicial Magistrate, Neyveli, on condition that the petitioner



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shall execute a bond for 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] 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;
- [b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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 conditions have been imposed and the petitioner released on bail



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by the learned Magistrate/Trial Court himself as
laid down by the Hon'ble Supreme Court in
P.K.Shaji vs. State of Kerala reported in
[(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can
be registered under Section 269 of B.N.S.

04-02-2025

To

1. The Inspector of Police,
All Women Police station,
Neyveli, Cuddalore.

2.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

drl

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