



Crl.OP.No.3128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.3128 of 2025

1. Vellaisamy

2. Rajkumar

... Petitioners /Accused

Vs.

The State rep. by

The Inspector of Police,

Ambattur All Women Police Station,

Ambattur, Chennai.

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No.8 of 2025 pending on the file of the respondent police.

For petitioners : Mr.J.Vivekanandan

For Respondent : Mr.S.Santhosh,

Government Advocate (Crl.Side)

For defacto complainant : Mr.E.Krishnaperumal

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 64, 351(3) and 49 of BNS,



2023, in Crime No.8 of 2025 seek anticipatory bail.

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2. It is the case of the prosecution that the defacto complainant married the second petitioner herein; the second petitioner made the defacto complainant stay in the first petitioner's house on 26.12.2024; that on 27.12.2024, the first petitioner forcibly had sexual intercourse with the defacto complainant and thereafter threatened her of dire consequences if she revealed the same to anyone; that on 28.12.2024, the defacto complainant informed the second petitioner/her husband about the incident, who had stated that since he had borrowed money from the first petitioner, the defacto complainant had to adjust to the demands of the first petitioner; and that she thereafter lodged a complaint, which was registered on 25.01.2025.

3. The learned counsel for the petitioner submitted that the allegations are false; that the instant complaint was lodged as an afterthought, i.e., one month after the alleged occurrence; and that, in any case, custodial interrogation of the petitioner is not required. Hence, he sought anticipatory bail.



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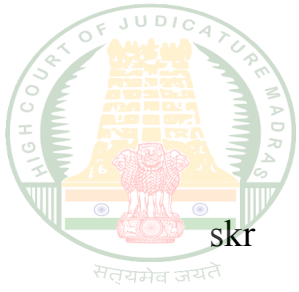
4. The learned counsel for the defacto complainant, however, submitted that the de facto complainant is physically challenged; that the first petitioner, who is the petitioner's brother-in-law, had committed rape, which was abetted by the second petitioner; and hence, the petitioners are not entitled to the grant of anticipatory bail.

5. The learned Government Advocate (Crl.Side) reiterated the prosecution case and also produced a copy of the statement of the victim recorded under Section 183 of BNSS, which confirms the above allegations.

6. Considering the nature of allegations, this court is of the considered view that anticipatory bail cannot be entertained and, accordingly, the criminal original petition is dismissed.

12.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No



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To

1. The Inspector of Police, Ambattur All Women Police Station,
Ambattur, Chennai.
2. The Public Prosecutor, Madras High Court, Chennai.

SUNDER MOHAN, J.

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