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CRL OP NO. 3185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3185 of 2025

Joseph Rasu @ Joseph Agilan

Petitioner(s)

Vs

State rep by,

The Inspector of Police,
AWPS Ennore,

Redhills, Avadi,

Crime No. 4 of 2025.

...Respondent(s)

For Petitioner(s) : Mr.C.S.Saravanan

For Intervener : Mr.R.Muthukumar

For Respondent(s): Mr.S.Santhosh,
Government Advocate, [Criminal Side]

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 506(i), 313 of IPC in Crime No. 4 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 de-facto complainant is a widow; that the petitioner on the promise of marriage had sexual intercourse with the de-facto complainant on several occasions; that the de-facto complainant, therefore, conceived on 26.10.2023 and thereafter, she underwent abortion; that the petitioner had promised to marry after he receives a sum of Rs.10,00,000/- from a source and thereafter, he failed to keep up the said promise. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated; that all the allegations are false and that the petitioner and the de-facto complainant had consensual relationship and that the custodial interrogation of the petitioner is not required in this case.

4. The learned Counsel for the de-facto complainant/Intervenor would submit that the petitioner had cheated the de-facto complainant by exploiting her situation as a widow. Therefore, he raised objection for



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grant of anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail reiterates the prosecution case and that the investigation is pending.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

7.Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that there was a consensual relationship between the petitioner and the de-facto complainant and in any case, since custodial interrogation of the petitioner is not required in the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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



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from the date on which the order copy made ready, before the learned

Judicial Magistrate, Thiruvottiyur, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial.

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



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[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 petitioners 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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SUNDER MOHAN, J

MSM

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