



WEB COPY



CRL O.P. No.3699 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3699 of 2025

S. Barath S/o. Selvam

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
W-18 All Women Police Station,
MKB Nagar, Vyasarpadi.
[Cr. No.4 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.4 of 2025 on the file of the respondent police.

For Petitioner : Mr. S. Stalin

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of



CRL O.P. No.3699 of 2025

the respondent police for the offence punishable under Sections 69 and 74 of B.N.S. in connection with the case in Crime No.4 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the victim and the petitioner had love affair; that the petitioner, on the promise of marrying the victim, had sexual intercourse with the victim aged 22 years and that the victim became pregnant, later it got aborted; that the petitioner, thereafter, refused to marry the victim.

3. Learned counsel for the petitioner would contend that the petitioner is an innocent; that he has been falsely implicated in this case; that he has not committed any offence as alleged by the prosecution and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police reiterated the prosecution case and would



CRL O.P. No.3699 of 2025

submit that there was a consensual relationship between the parties.

WEB COPY

5. 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.

6. Considering the nature of allegations, that there was a love affair and since the petitioner and the victim had consensual relationship from the year 2021, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. 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 **Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum



CRL O.P. No.3699 of 2025

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 conditions 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.

[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



CRL O.P. No.3699 of 2025

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.

13.02.2025

mjs

To

- 1.The Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, W-18 All Women Police Station, MKB Nagar, Vyasarpadi.

SUNDER MOHAN. J.,

mjs



WEB COPY



CRL O.P. No.3699 of 2025

CRL O.P. No.3699 of 2025

13.02.2025