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Crl OP No.3809 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3809 of 2025

Prabhakaran

... Petitioner

Versus

State rep by
The Inspector of Police,
W-2, Triplicane All Women Police Station,
Chennai.
Crime No.1 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of the arrest by the respondent police in Cr.No.1 of 2025 on the file of the respondent police.

For petitioner : Mr.S.Jeeva

For Respondent : 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 69, 79 of B.N.S.S Act, 2023 and Section 4 of Tamilnadu Prohibition of Woman



Act, 1998 in Crime No.1 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is working as a Police Officer and known to the the defacto complainant for several months through face book. Based on the promise of the marriage, the defacto complainant had consensual relationship with the petitioner. Later, he had refused to marry her. Thereby, the petitioner had committed the said offence. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the defacto complainant has approached the petitioner for loan of Rs.15,00,000/- and that he had lent the same to the defacto complainant. When the petitioner demanded the said money, she refused to return the same. Hence, he had lodged a complaint against the defacto complainant in Cr.No.62 of 2025 dated 06.01.2025 under Section 316(2) and 318(4) of BNS, 2023 and that the instant complaint has been lodged only as a counter blast and in any case, the custodial interrogation of the petitioner is not required. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and confirmed the fact that the defacto complainant had consensual relationship with the



petitioner and submitted that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the fact that the defacto complainant, who is aged about 29 years, had a consensual relationship with the petitioner for a long time and was very well aware of the consequences of such relationship, this court is of the view, the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 on which the order copy is made ready, before the **Judicial Magistrate Additionl Mahila Court, Egmore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 shall report before the respondent police station daily at 10.30 a.m., until further orders.

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

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

[d] 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 is 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];**

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.02.2025

Vv

To

1. The Inspector of Police,
W-2, Triplicane All Women Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.



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