



Crl. O.P. No.3969 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3969 of 2025

C.Suresh Kumar

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
F-3, Nungambakkam Police Station,
(Crime No.91 of 2025).

... Respondent / Complainant

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.91 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Vigneshwaran

For Respondent : Mr. S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 74, 115(2), 133, 118(1), 351(3) of BNS, 2023 and Section 4 of TNPHW, in connection with the case in Crime No.91 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner and the defacto complainant had consensual relationship with each other. Later, the defacto complainant came to know that the petitioner had already married another girl and hence, she severed the relationship with the petitioner. Even thereafter, the petitioner had compelled her to continue their relationship and hence, the case was registered on the file of F-3, Nungambakkam Police Station, Chennai in Cr.No.300 of 2024, for which the petitioner was arrested and later he was released on bail and that he still continuous to harass the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner and the defacto complainant had consensual relationship with each other; that the petitioner had now filed an affidavit of undertaking that he shall not disturb the defacto complainant in future; that the custodial interrogation is not required in this case and hence prayed for grant of anticipatory bail.

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



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police, reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

5. Learned counsel for the defacto complainant submitted that the defacto complainant is not willing to marry the petitioner and vehemently opposed to the grant of anticipatory bail to the petitioner

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police, the learned counsel for the defacto complainant and perused the materials available on record.

7. The petitioner has now filed an affidavit of undertaking dated 19.02.2025, which reads as follows:

“3. I hereby undertake in order to assure this Hon'ble Court that I will not disturb, harass, threaten, stalk or cause any harm to her life either directly or indirectly, to the complainant and her family members and will not cause any disturbance to the complainant in workplace as well in residence or engage in any act that may disturb her peace or well being of the complainant.

4. I further affirm that I understand the importance of maintaining harmony and legal order concerning the matter stated above and will make every effort to avoid any situation that could be perceived as disruptive or harmful. If does so this Hon'ble



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Court can take necessary actions.”

8. Taking into consideration the facts and circumstances of the case, considering the nature of allegation, the affidavit of undertaking filled by the petitioner this Court is of the view that custodial interrogation is not required and the petitioner may be granted anticipatory bail with certain conditions, however, it is needless to state that the State is at liberty to file petition for cancellation of bail, if any conditions are violated.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **XIV Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a 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 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



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- 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 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.

21.02.2025

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To

1. The XIV Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, F-3 Nungambakkam Police Station.
3. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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