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Crl.O.P.No.5507 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

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THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5507 of 2025

Adarsh R.S

...Petitioner/Single Accused

Vs.

The Inspector of Police,
All Women Police Station,
St.Thomas Mount,
Chennai.
(Crime No.4 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S. Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.4 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.John Sathyan.R
Senior Counsel

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER



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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 69 and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.4 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the *de-facto* complainant had a love affair since 2021; that thereafter, their marriage could not take place because the petitioner's parents did not agree to the same as they had cultural differences; that on 16.01.2025, the petitioner called the *de-facto* complainant over phone and arrived from Kerala on 17.01.2025 and promised to marry the *de-facto* complainant; that thereafter on 17.01.2025 at about 7.00 p.m., both of them, went to a temple and had dinner; that the petitioner had promised the *de-facto* complainant's mother, that he would marry the *de-facto* complainant; that on 18.01.2025, he took the *de-facto* complainant to a hotel and had sexual intercourse; and that thereafter, the *de-facto* complainant became suspicious and when she questioned the petitioner, he threatened the *de-facto* complainant and refused to marry her and also had planned to marry some other lady.

3. Mr. John Sathyan.R, the learned Senior Counsel appearing for the



petitioner, would submit that the petitioner is aged 39 years and the victim/*de-facto* complainant is aged about 37 years; that they had a love affair since 2021; that the allegation is that the *de-facto* complainant had sexual intercourse with the petitioner only on the promise of marriage, cannot be countenanced; and that in any case, the custodial interrogation of the petitioner is not required and he sought anticipatory bail for the petitioner.

4. Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (Crl.Side) for the respondent police, reiterated the prosecution case and submitted that the petitioner had sexual intercourse with the victim/*de-facto* complainant on the promise of marriage on 18.01.2025 and opposed the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Admittedly, the petitioner and the *de-facto* complainant/victim had a consensual relationship since 2021. Considering the age of the petitioner and the *de-facto* complainant and considering the nature of the allegation, this Court is of the view that the custodial interrogation of the petitioner is not required for the



purpose of investigation and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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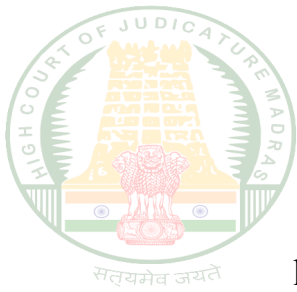
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the **Mahila Court – I, Alandur, Chennai**, on condition that the petitioner shall execute a 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 ensure their identity;

[b] the petitioner shall report before the respondent Police on every Monday 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;



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

28.02.2025

dk

To

- 1.The Mahila Court,
Alandur,
Chennai.
- 2.The Inspector of Police,
All Women Police Station,
St.Thomas Mount,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.
dk

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