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CRL O.P. No.6626 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.6626 of 2025

Dinesh S/o. Mathiyazhagan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
W14 All Women Police Station,
Thiruvottiyur, Chennai-600 019.
[Cr. No.2 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

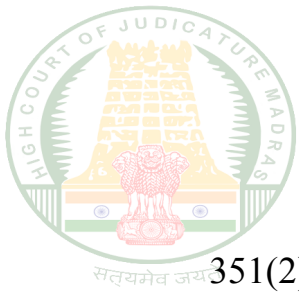
Cr. No.2 of 2025 on the file of the respondent police.

For Petitioner : Mr. Vinoth.M.

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

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the
respondent police for the offence punishable under Sections 69 and



CRL O.P. No.6626 of 2025

WEB COPY

351(2) of B.N.S. in connection with the case in Cr. No..2 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl aged about 22 years had a love affair for the past 4 years; that on the promise of marriage, the petitioner had sexual intercourse with the victim girl on four or five occasions; that thereafter, when the victim girl requested the petitioner to marry her, he refused to marry her and the parents of the petitioner also did not agree for the marriage.

3. The learned counsel for the petitioner would contend that it is true that the petitioner and the victim girl had a love affair and there were differences between them; that there was consensual relationship; and that considering the nature of allegations, 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, while opposing the grant of anticipatory bail to



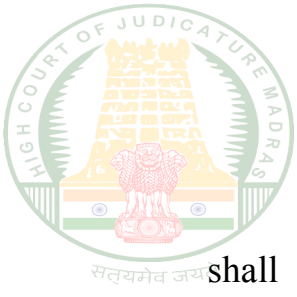
CRL O.P. No.6626 of 2025

WEB COPY

the petitioner, reiterated the prosecution case and on instructions, confirmed that the petitioner and the defacto complainant had a consensual relationship and also produced the copy of the statement recorded under Section 183 of B.N.S.S. .

5. This Court perused the statement of the victim, which reveals that there was a consensual relationship between the petitioner and the victim. It is the case of the victim that on the promise of marriage, the petitioner had sexual intercourse with the victim. Considering the aforesaid facts, nature of allegations and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. 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 **Judicial Magistrate, Thiruvottiur** on condition that the petitioner



CRL O.P. No.6626 of 2025

WEB COPY

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 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



CRL O.P. No.6626 of 2025

WEB COPY

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]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

27.03.2025

mjs

To

- 1.The Judicial Magistrate, Thiruvottiyur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, W14 All Women Police Station, Thiruvottiyur, Chennai-600 019.

SUNDER MOHAN. J.,

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CRL O.P. No.6626 of 2025

CRL O.P. No.6626 of 2025

27.03.2025