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Crl.OP.No.7401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7401 of 2025

P.Nagaraj

... Petitioner(s) /Accused

Vs.

The State, rep. by its
Inspector of Police,
W-9, All Women Police Station,
Villivakkam, Chennai
Cr.No.9/2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner/ accused in the event of his arrest by the respondent police in Crime No.9 of 2024.

For petitioner(s) : Mr.R.C.Paul Kanagaraj
for Mr.J.B.Solomon Peter Kamaldoss

For Respondent(s) : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

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2. It is the case of the prosecution that the petitioner and the defacto complainant were in a love affair since 2022; that on the false promise of marriage, the petitioner had sexual intercourse with her; that when the defacto complainant requested him to marry her, he refused and blocked her number; and that, out of depression, the defacto complainant consumed sleeping tablets, following which she was admitted in the hospital.

3. The learned counsel for the petitioner would submit that the allegations are false; that admittedly the petitioner and the defacto complainant were in a consensual relationship; that the petitioner has not committed any offence as alleged; and that, in any case, the custodial interrogation is not required and sought for anticipatory bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that, the petitioner had a love affair with the defacto complainant since 2022.

5. The petitioner admittedly had consensual relationship with the defacto complainant. It appears there was a break in the relationship. Considering the nature of allegations, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy is made ready, before the **XVI Metropolitan Magistrate Court, George Town, Chennai**, 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 condition that:

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[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 appear before the respondent police every monday at 10.30 a.m.;

[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 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



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be registered under Section 269 BNS.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The State, rep. by its
Inspector of Police,
W-9, All Women Police Station,
Villivakkam, Chennai
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. XVI Metropolitan Magistrate Court, George Town, Chennai,



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SUNDER MOHAN, J.

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