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Crl.O.P.No.7295 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7295 of 2025

Gavaskar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Melmaruvathur, Chengalpet District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.14 of 2025 on the file of respondent Police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

For Intervener : Mr.S.Partahsarathy

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sections 417, 376(2)(n) and 313 of IPC in Crime No.14 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused, on the false promise of marriage, had an affair with the de facto complainant and deserted her when she became pregnant. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and that the relationship between the petitioner and the de facto complainant was consensual. However, a false complaint has been lodged against him due to a misunderstanding. He also submitted that the petitioner accepts the paternity of the girl child born to the de facto complainant and is also willing to live with the de facto complainant and the child. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner.

5. Learned counsel appearing for the de facto complainant submitted that the accused, on the false promise of marriage, had cheated the de facto complainant. He further submitted that the de facto complainant gave birth to a girl child on 04.05.2025 at KENZO Ortho & Women Care Centre, Chengalpattu.

6. Heard both sides and perused the materials available on record.



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7. Considering the submissions made by the learned counsel appearing on either side and taking note of the nature of the allegations that the relationship between the petitioner and the de facto complainant appears to be consensual, this Court is of the view that custodial interrogation of the petitioner is not required and that the offence under Section 376 of IPC may not be attracted. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 made ready, before the learned **District Munsif cum Judicial Magistrate, Cheyyur**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

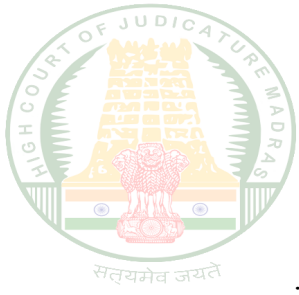
[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been



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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)13 SCC 283]**;

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

27.06.2025

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To

1. The District Munsif cum Judicial Magistrate,
Cheyyur.
2. The Inspector of Police,
All Women Police Station,
Melmaruvathur, Chengalpet District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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