



Crl. O.P. No.7656 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.7656 of 2025

J.S. Praveen S/o. Santhanagopal

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
W4 All Women Police Station,
Kilpauk, Chennai.
(Crime No.2 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.2 of 2025, pending investigation on the file of the respondent Police.

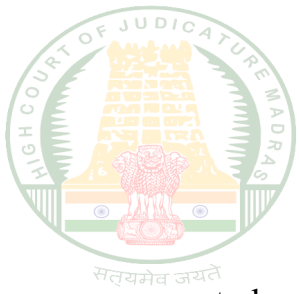
For Petitioner : Mr. Murali Law Firm

For Intervenor : Mr. R. Subramanian

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was

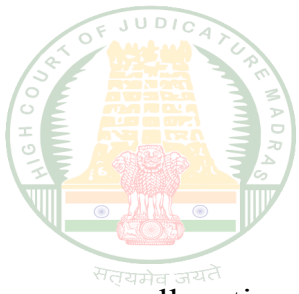


Crl. O.P. No.7656 of 2025

arrested and remanded to judicial custody on 06.03.2025, seeking bail in Crime No.2 of 2025 registered for the offences under Sections 69, 75(3), 76, 115(2), 318(14) and 351(3) of B.N.S. read with Section 4 of Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that the petitioner and the defacto complainant were known to each other since 2017; that they came to contact with each other through social media; that the petitioner induced the defacto complainant to invest in the fish business run by the petitioner and promised huge returns and thereafter, the petitioner and the defacto complainant had entered into a Partnership Deed and jointly invested money with one Baskar; that initially, the petitioner shared profits and thereafter, refused to share profits and started to abuse the defacto complainant sexually under threat and also had sexual intercourse and thus, committed the aforesaid offences. It is the further case of the prosecution that the petitioner had taken pictures of the defacto complainant in a compromising position and threatened that he would send the same to her husband.

3. The learned counsel appearing for the petitioner submitted that the

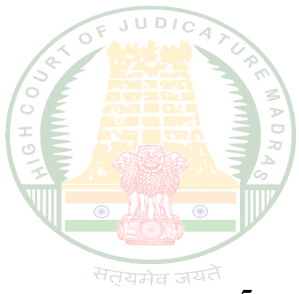


Crl. O.P. No.7656 of 2025

WEB COPY

allegations against the petitioner are false; that the petitioner and the defacto complainant had a business relationship and though they were married to different persons, they had consensual relationship for a long time; that in the Suit filed jointly by them against one Baskar, with whom the petitioner and the defacto complainant invested money to the tune of Rs.28 lakhs, they succeeded and a Preliminary Decree was passed for a sum of Rs.23 lakhs on 25.11.2024; and that the instant complaint has been filed as an after-thought on 26.02.2025 containing vague allegations bereft of any particulars; and that in any case, considering the period of incarceration of the petitioner, further custody of the petitioner is not required and hence prayed for grant of bail. The learned counsel for the petitioner has also submitted the pictures of the petitioner along with the defacto complainant taken together and also the whatsapp messages between the two of them.

4. The learned counsel appearing for the intervenor, however, vehemently opposed the grant of bail stating that the petitioner had cheated the defacto complainant to the tune of Rs.2 crores; that the petitioner has threatened the defacto complainant by making use of the pictures of the defacto complainant taken by the petitioner in a compromising position and thus, opposed the grant of bail to the petitioner.



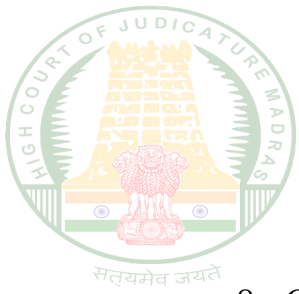
Crl. O.P. No.7656 of 2025

WEB COPY

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S.

6. This Court carefully considered the documents filed by the petitioner, statement of the victim and the submissions made on either side.

7. Though the victim aged about 36 years would state that she was forced to have sexual intercourse, according to her, the alleged occurrences took place from 2017. There is no specific date on which the alleged occurrence is said to have taken place. The photographs produced on the side of the petitioner would clearly show that the relationship between the petitioner and the defacto complainant is consensual in nature. It is also seen that they had jointly filed a Suit in the year 2024 seeking a decree against one Baskar and a Preliminary Decree was also passed on 25.11.2024. It is also seen that earlier, both the petitioner and the defacto complainant had entered into an understanding by which, the defacto complainant had recorded the fact that the petitioner had received the money due to her as on 11.08.2018. Therefore, it appears that there was a consensual relationship and differences arose later between them.



Crl. O.P. No.7656 of 2025

WEB COPY

8. Considering the aforesaid facts and period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai** and on further conditions 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 twice a week i.e., on every Monday and Thursday 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



Crl. O.P. No.7656 of 2025

WEB COPY

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 [(2005)AIR SCW 5560]***;

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

20.03.2025

mjs

To

1. The Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.
2. The Inspector of Police, W4 All Women Police Station, Kilpauk, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl. O.P. No.7656 of 2025

SUNDER MOHAN., J.

mjs

Crl. O.P. No.7656 of 2025

20.03.2025