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CRL OP NO. 9348 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**CRL OP NO. 9348 of 2025**

Jayaprakash

Petitioner

Vs

The State Rep By  
The Inspector of Police  
AWPS, Vaazhapadi Police Station,  
Salem District.  
(Crime No.9 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on  
anticipatory bail in the event of arrest in Crime No. 9 of 2025 pending on  
the file of the respondent police.

|                |   |                                                |
|----------------|---|------------------------------------------------|
| For Petitioner | : | Mr.Dharani Thirunavukkarasu                    |
| For Respondent | : | Mr.S.Balaji,<br>Government Advocate (Crl.Side) |

**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent  
police for the offences punishable under Sections 417 and 376(2)(m) of the  
BNS, 2023 in Crime No.9 of 2025, on the file of the respondent police,  
seeks anticipatory bail.

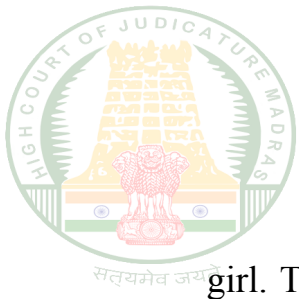


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2. The case of the prosecution is that the petitioner and the victim girl had a love affair for the past seven years; that the petitioner, on the promise of marriage, had sexual intercourse with the victim girl, who is now about 24 years; that the petitioner's parents were not agreeable to the said marriage and that they threatened the petitioner that they would commit suicide.

3. The learned counsel appearing for the petitioner submitted that the allegations are false, that the petitioner and the de facto complainant are closely related to each other, that due to various reasons, marriage could not take place between them, that the victim girl had a consensual relationship with the petitioner, and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.

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 produced copy of Section 183(5) of the BNS statement of the victim girl.

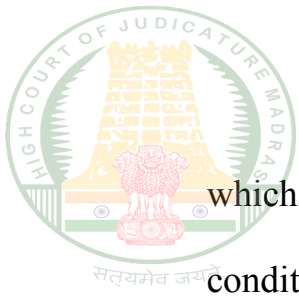


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5. This Court, perused the 183(5) BNS statement of the victim girl. The statement confirms the fact that the victim girl and the petitioner has consensual relationship for a long time. It appears that thereafter, the petitioner informed her that his parents were not agreeable to their marriage.

6. Considering the aforesaid facts, the nature of the allegations, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before **the District Munsif cum Judicial Magistrate, Vazhapadi** on condition that the petitioner shall execute a separate 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:

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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 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 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].



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

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**SUNDER MOHAN, J.**

**vca**

To:

1. The Inspector of Police  
AWPS, Vaazhapadi Police Station,  
Salem District. .
2. The District Munsif cum Judicial Magistrate,  
Vazhapadi.
3. The Public Prosecutor,  
High Court Madras.

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