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CRL O.P. No.10078 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.10078 of 2025

Sarumathi D/o. Boobalan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
T-17 Perumbakkam Police Station,
Pallikaranai District. ... Respondent
[Cr. No.41 of 2025]

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.41 of 2025 on the file of the respondent police.

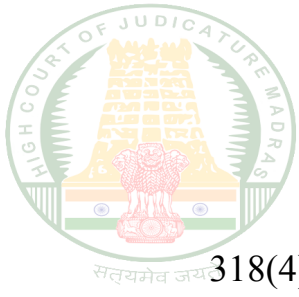
For Petitioner : Mr.Swami Subramanian

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 316(2) and

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CRL O.P. No.10078 of 2025

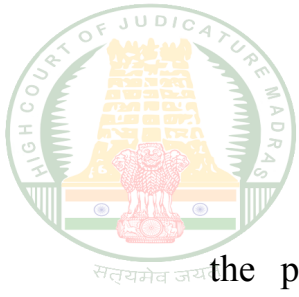
318(4) of B.N.S. in connection with the case in Cr. No.41 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and the defacto complainant had consensual relationship; that when the relationship was good, the petitioner had received a sum of Rs.1,87,000/- by cash from the defacto complainant besides gold ornaments; that she had received gold ring weighing 7 grams from the defacto complainant on the pretext of love and marriage and cheated the defacto complainant.

3. The learned counsel for the petitioner would contend that the petitioner and the defacto complainant had a good relationship; that due to that there were certain transactions; that the petitioner has not committed any cheating; and that in any case, custodial interrogation is not required and hence prayed for 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



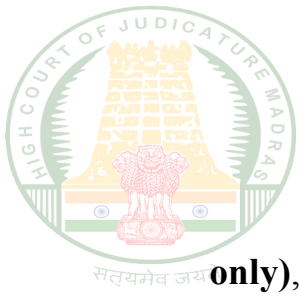
CRL O.P. No.10078 of 2025

WEB COPY

the petitioner, reiterated the prosecution case and on instructions, confirmed the above said facts.

5. Admittedly, the petitioner and the defacto complainant had a consensual relationship. The allegation is that when the relationship was good, the defacto complainant had transferred a sum of Rs.1,87,000/-by cash and gave a gold ring. The allegations prima facie do not disclose the deception at the inception. Therefore, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Considering the aforesaid facts and nature of allegations, 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 her appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Alandur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



CRL O.P. No.10078 of 2025

WEB COPY

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:

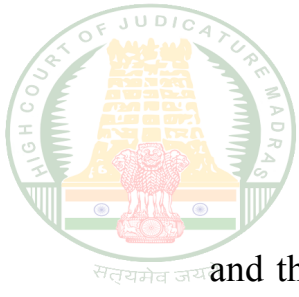
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[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



CRL O.P. No.10078 of 2025

WEB COPY

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.

04.04.2025

mjs

To

- 1.The Judicial Magistrate No.II, Alandur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, T-17 Perumbakkam Police Station, Pallikaranai District.

SUNDER MOHAN. J.,

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CRL O.P. No.10078 of 2025

CRL O.P. No.10078 of 2025

04.04.2025