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Crl.O.P.No.10262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10262 of 2025

1.M.Dheepan

2.G.Nagasekaran Gopal

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
All Women Police Station,
Tirumangalam, Anna Nagar,
Chennai.
(Crime No.14 of 2025)

Respondent(s)

For Petitioner(s) : Mr.R.Vivekananthan

For Respondent(s) : Mr.S.Balaji,
Government Advocate (Criminal Side)

For Intervener : Mr.V.R.Appaswamee

PRAYER To enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent in Crime No.14 of 2025 on the file of the Respondent.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 69, 318(2), 296(b), and 351(2) of BNS, in Crime No.14 of 2025, on the file of the respondent Police, seeks anticipatory bail.

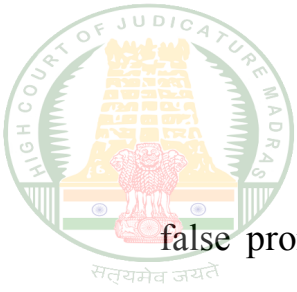


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2. The case of the prosecution is that the first petitioner and the defacto complainant aged 23 years, were known to each other; that they studied together in London and had a consensual relationship; that they returned to India in 2022; that they continued the relationship; that the petitioner subsequently abandoned the defacto complainant and attempted to marry another woman, and that the defacto complainant is now willing to marry the petitioner. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the allegations are false; that even according to the defacto complainant there was a consensual relationship; that it is a case of a relationship that turned sour; that the defacto complainant was aware of the consequence of her act and that in any case, the custodial interrogation of the petitioners is not required and sought for anticipatory bail.

4. Learned counsel for the intervener vehemently opposed the grant of anticipatory bail to the petitioners stating that the defacto complainant and the petitioner were living as husband and wife in London; that the defacto complainant became pregnant and later got aborted; and that the petitioner on the



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5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed the above said fact.

6. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

7. This Court, on perusal of the records and the submission made by the learned counsel on either side finds that it is a case of consensual relationship that turned sour. It cannot be stated that the defacto complainant was not aware of the consequence of her act. Hence, this Court is of the view that custodial interrogation is not required for the purpose of the investigation of any case. The only allegation against the second petitioner is that he threatened the defacto complainant.



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WEB COPY 8. Considering the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Additional Mahila Court, Egmore, Chennai**, on condition that the petitioners 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:

[a] the petitioners 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 first petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders



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and the second petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners 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 of B.N.S.

drl

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SUNDER MOHAN J.

drl

To

1. The Inspector of Police,
All Women Police Station,
Tirumangalam, Anna Nagar,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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