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CrI OP No.11001 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.11001 of 2025

Robin James

... Petitioner

Versus

Union Territory of Puducherry,
Station House Officer,
Mahe Police Station,
Puducherry.
Crime No.14 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2025 on the file of the respondent police.

For petitioner : Mr.S.Thirumurugan

For Respondent : Mr.K.S.Mohandoss,
Public Prosecutor, Puducherry
Assisted by Mrs.M.Danalutchumy

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 64(2)(m) 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 defacto complainant is a divorcee; that she fell in love with the petitioner herein through face book; that they met in person on 30.08.2024; that thereafter, on the promise of marriage, the petitioner had sexual intercourse with the defacto complainant on 31.08.2024; that thereafter they continued to have physical relationship; that on 15.09.2024, the defacto complainant realized she had become pregnant; that later the foetus was aborted; that the petitioner refused to marry the defacto complainant; that thereafter the defacto complainant attempted to commit suicide and thus the petitioner committed the aforesaid offence.

3. Learned counsel appearing for the petitioner submitted that the allegations in the FIR and the counter affidavit filed by the respondent clearly shows that the petitioner and the defacto complainant had a consensual relationship; that the petitioner had not falsely represented that he would marry the defacto complainant; and that in any case, the allegations did not require custodial interrogation and sought for anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions



submitted that on the false promise of marriage, the petitioner had committed the aforesaid offence and that he also produced the copy of the FIR.

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

6. This Court perused the copy of the FIR. The relationship was a consensual one. The question as to whether the petitioner made a false promise of marriage and had a physical relationship is for the prosecution to establish in the trial.

7. Considering the aforesaid facts and the fact that the allegations suggests that a consensual relationship turned sour, this Court is of the view that the custodial interrogation is not required for the purpose of investigation. 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 **Judicial Magistrate, Mahe, Puducherry** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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 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 daily 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.

21.04.2025

drl

To

1. Union Territory of Puducherry,
Station House Officer,
Mahe Police Station,
Puducherry.

2. The Public Prosecutor,
Puducherry.



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SUNDER MOHAN J.

drl

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