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Crl OP No.11783 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11783 of 2025

Murugadass

... Petitioner

Versus

The State Rep by,
The Inspector of Police,
All Women Police Station,
Madipakkam, Chennai District.
Crime No.11 of 2024.

... 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.11 of 2024 on the file of the respondent police.

For petitioner : Mr.R.Parthiban

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 417, 376(2) of IPC, in Crime No.11 of 2024, 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 is the son of the petitioner herein; that the first accused had a love affair with the defacto complainant, aged about 24 years; that on the promise of marriage, the first petitioner had sexual intercourse with the defacto complainant; that thereafter the petitioner refused to marry her; and that when the same was informed to the petitioner, he supported his son and did not agree to the marriage. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the first accused was arrested and released on bail by the Lower Court; that it is a case of consensual relationship and that the petitioner was falsely implicated in this case, and in any case the custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

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 confirms the fact that the first accused was arrested and released on bail and also produced the statement of the victim under Section 183 BNSS.

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



6. This Court perused the statement of the victim under Section 183 BNSS. The statement of the victim confirms that the first accused and the defacto complainant had a consensual relationship. The only allegation against the petitioner is that he did not agree to the marriage.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the first accused was released on bail and since, custodial interrogation is not required for the purpose of investigation, 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 learned **Additional Mahila Court (Magisterial Level), Alandur**, on condition that the petitioner shall execute a 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 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 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.

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To

1. The Inspector of Police,
All Women Police Station,
Madipakkam, Chennai District.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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SUNDER MOHAN J.

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