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CrI.OP.No.12264 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.12264 of 2025

Gunasekar @Guna

... Petitioner(s) / Sole Accused

Vs.

State represented by,
The Inspector of Police,
Lawspet Police Station,
Puducherry.
Crime No.59 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail concerned in Crime no.59 of 2025, pending on the file of the respondent police.

For petitioner(s) : Mr.N.Arun Kumar

For Respondent(s) : Mr.M.V.Ramachandra Murthy
assisted by Mr.A.Alexander
Government Advocate (Puducherry)

For Intervenor : Mr.G.Ezhil Balaji



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.04.2025, seeking bail in Crime No.59 of 2025, registered for the offences under Section 69 of BNS Act, 2023.

2. It is the case of the prosecution that the petitioner, aged 37 years, and the defacto complainant, aged 32 years, have known each other for the past 18 years; that they had a love affair; that the petitioner, on the promise of marriage, had sexual intercourse with the defacto complainant for the past 15 years; and that thereafter, the petitioner refused to marry the defacto complainant and is now attempting to marry another woman.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner and the defacto complainant were in a consensual relationship for the past 15 years; that it is a case of a relationship that turned sour; and that, in any case, further custody of the petitioner is not required for the purpose of investigation. Hence, he prayed for the grant of bail to the petitioner.



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4. The learned counsel for the defacto complainant, Mr. Ezhil Balaji, vehemently opposed the grant of bail to the petitioner by submitting that it was only on the promise of marriage that the petitioner had sexual intercourse with the defacto complainant; and that, though it is a case of a love affair, further custody of the petitioner is required.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and also produced a copy of the statement of the victim recorded under Section 183 of BNSS.

6. This Court has perused the statement of the victim recorded under Section 183 of BNSS, which confirms the fact that the petitioner and the defacto complainant were known each other for 18 years and were in a consensual relationship for over 15 years.

7. As submitted by the learned counsel for the petitioner, it is a case of a



relationship that has turned sour. Considering the nature of the allegations, the period of incarceration, and since further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-I, Puducherry**, and on further conditions that:

[a] 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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or witness 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 B.N.S.

28.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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SUNDER MOHAN, J.

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To

1. The Inspector of Police,
Lawspet Police Station,
Puducherry.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate Court-I, Puducherry.
4. The Superintendent of Prison,
Central Prison, Kalapet, Puducherry.

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