



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12465 of 2025

P.Mariyapillai

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Kallakurichi.

(Crime No.15 of 2025)

.. Respondent

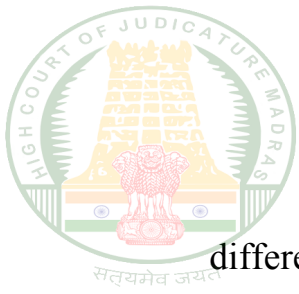
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.15 of 2025 on the file of the respondent.

For Petitioner : Mr.N.Karthikeyan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 417 of IPC, 298(b) of
BNS, 351(2) of BNS and Section 4 of TN Prohibition of Harassment of
Women Act in Crime No.15 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had a matrimonial differences with his wife and was living separately; that he developed a relationship with the defacto complainant; that thereafter, on the promise of marriage, he had intercourse with the defacto complainant aged about 40 years and that thereafter refused to marry her and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the defacto complainant is also a married woman; that the defacto complainant has not obtained a divorce so far; that the allegations against the petitioner are false; that it is a case of consensual relationship and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed that it is a case of consensual relationship between the petitioner aged about 45 years and defacto complainant aged about 40 years.



5. Admittedly, the petitioner and the defacto complainant had a consensual relationship for more than a year. The defacto complainant is aged about 40 years. It cannot be said that the defacto complainant was not aware of the consequences of her act. In any case, the allegations do no warrant custodial interrogation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the **Judicial Magistrate No.I, Kallakurichi** on condition that the petitioner shall execute a separate 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 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 BNS.

24.04.2025

Index : Yes / No

Internet : Yes / No

rkp

To

- 1.The Inspector of Police,
All Women Police Station,
Kallakurichi.
- 2.The Judicial Magistrate No.I,
Kallakurichi.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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