



Crl.O.P.No.18756 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18756 of 2025

1. Tamilselvan @ Vijay
2. Selvi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.

... Respondent

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

For Petitioner	:	Mr.W.Camyles Gandhi
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Criminal Side)
For Intervenor	:	Mr.K.Arun Pradeesh

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 312, 420 and 506(ii) of IPC in Crime No.15 of 2025, on the file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the first accused, on the false promise of marriage, had sexual intercourse with the de facto complainant on several occasions and when the de facto complainant became pregnant, insisted her to abort the same. On believing the first accused, the de facto complainant aborted her fetus and later, refused to marry her. The second accused, who is the mother of the first accused, acted as an accomplice in the crime. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He also submitted that the relationship between the first accused and the de facto complainant was consensual and now the first petitioner is ready to marry the de facto complainant. He further submitted that the petitioners are ready to hand over their mobile phone and cooperate for investigation. He further submitted that the petitioners are also prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners. He further submitted that now the case has



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been transferred to the file of the Royapuram AWPS and the crime number renumbered as Crime No.10 of 2025.

5. Learned counsel for the intervenor, while objecting for the grant of bail to the petitioners, submitted that the first petitioner had cheated the de facto complainant and that the second petitioner had acted as an accomplice in the aforesaid crime. Based on instructions, he further submitted that now the de facto complainant is now in a dilemma about continuing her life with the first accused due to the change in the circumstances, particularly the cruelty and harassment she had been subjected to by the accused. Thereby, he seeks time for her to make up her mind.

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

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 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 **III Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two**



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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] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the Inspector of Police, Royapuram AWPS, everyday at 10.30a.m., for a period of three weeks and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners to give an undertaking that if



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required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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)13 SCC 283]**;

[h] 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 III Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
3. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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