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Crl.O.P.No.18992 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18992 of 2025

Boopathi

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By Inspector of Police,
AWPS Salem Town Police Station,
Salem District.
(Crime No.32/2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to
enlarge the petitioner on bail in Crime No.32 of 2025 on the file of Inspector
of Police, AWPS Salem Town Police Station, Salem District.

For Petitioner : Mr.K.Balu for Mr.M.R.Elavarasan

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl. Side)



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ORDER

The petitioner arrested and remanded to judicial custody on 19.06.2025, for the offences punishable under Sections 69, 74, 89 & 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in connection with Crime No.32 of 2025 registered on the file of the respondent, seeks bail.

2.The contention of the learned counsel for the petitioner is that the petitioner and defacto complainant were in friendly terms and they became very close and also decided to get married. The petitioner met the defacto complainant in Subham Silks, thereafter they exchanged their Instagram ID and developed relationship and the petitioner was willing to marry her. The petitioner is a business man having many rivals. The petitioner was arrested in a COTPA case in Crime No.278 of 2025 registered by Sevvapet Police, Salem and this Court on 18.06.2025 in CrI.O.P.No.17572 of 2025 granted bail to the petitioner. During the petitioner's confinement in that case, the defacto complainant visited him in the prison with the relationship as wife and she promised that she would take all steps to ensure the petitioner coming out on bail. The petitioner explained how he had been fabricated in



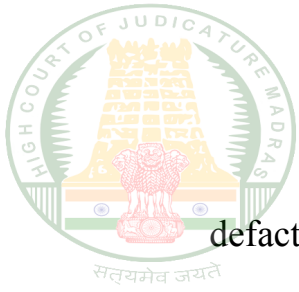
that case. This being so, suddenly the defacto complainant made a turn around and lodged a complaint on 17.06.2025 as though the petitioner projected him as Pediatric Doctor, made a false promise and committed sexual assault, thereafter he refused to marry her. The sequence of events clearly shows it is a fabricated case with ulterior motive. The lower Court dismissed the bail application as though the petitioner has several cases. He further submits that the petitioner is ready to abide by any condition of this Court, hence prays for bail.

3.Learned Government Advocate (Criminal Side) appearing for the respondent Police submits that the petitioner has several criminal cases against him. Even on 03.06.2025, the petitioner was arrested in COTPA case by Sevvapet Police, Salem in Crime No.278 of 2025. He further submits that the petitioner projected himself as Paediatric Doctor obtained Instagram ID from the defacto complainant when she was visiting Subham Silks, thereafter by honey coated words, the petitioner deceived the defacto complainant, called her to home and took her to an isolated by car and committed sexual assault in his car, thereafter, on the promise that he would marry her, he continued sexual assault on her whenever it is convenient for



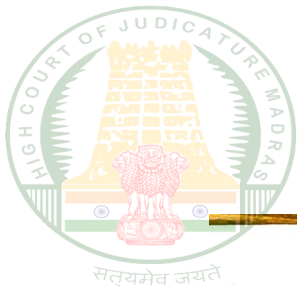
him. Due to which, the defacto complainant got conceived, thereafter the petitioner started avoiding her, again joined her and gave some drink mixed with medicine. The defacto complainant consumed the same and got aborted. The petitioner again approached the defacto complainant and had physical relationship promising to marry her. Later, the defacto complainant had an occasion to see the petitioner's mobile and found that the petitioner was having contacts with other women and committed similar offence in the guise of false marriage. Thereafter, the defacto complainant lodged the complaint. Hence, he strongly objected for grant of bail.

4.At this stage, learned counsel for the petitioner submitted that the petitioner's mobile phone and other gadgets seized in this case and Instagram account already checked. The case against the petitioner is a civil suit with one Murugan with regard to registration of property and further, the said Murugan filed a Writ Petition before this Court seeking registration of property. This civil case has been blown out of proportion projecting as though the petitioner is a hardened criminal. The petitioner is a respected person doing quarry business in Hosur and other business. Due to some misunderstanding and ill advice of others, a false complaint lodged by the



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defacto complainant. Further, the petitioner even before the trial Court promised that he is willing to marry the defacto complainant even today. In support of his submissions, the petitioner's affidavit attested by the Jailor, Central Prison, Salem produced. Scanned reproduction of the same is as follows:



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MEMORANDUM OF CRIMINAL ORIGINAL PETITION
(Under Section 483 of Bharathiya Nagarik Suraksha Sanhita 2023)

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Crl.O.P. No. 18992 of 2025

In

Crime No. 32 of 2025
(On the file of Inspector of Police, AWPS-SALEM TOWN,
Salem District)

Boopathi M/A 38 Years,
S/o. Uthayakumar,
436, Pugaiyelai Karan Street,
Steel Plant, Omalur Taluk
Salem District.

...Petitioner/Accused

/ Vs /

The State of Tamil Nadu,
Rep. By Inspector of Police,
AWPS-SALEM TOWN,
Salem District
(Crime No. 32/2025)

... Respondent/Complainant

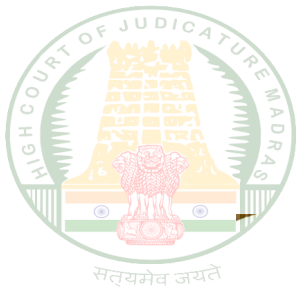
AFFIDAVIT OF BOOPATHY

I, **Boopathi**, male, S/o Uthayakumar, Hindu, aged about 38 years,
residing at 436, Pugaiyelai Karan Street, Steel Plant, Omalur Taluk,
Salem District, do hereby solemnly affirm and state as follows:

1. I am the **Petitioner** herein and the Accused in **Crime No. 32 of 2025** on the file of the Inspector of Police, AWPS-SALEM TOWN, Salem District. I am well acquainted with the facts and circumstances of the case and I am competent to swear to this affidavit.


JAILOR
Central Prison, Salem





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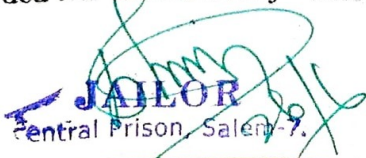
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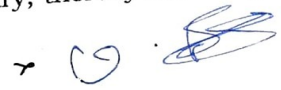
2. I respectfully submit that I was arrested on **19.06.2025** for the alleged offences under Sections 69, 74, 89, 351(2) of the Bharatiya Nyaya Sanhita and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. I submit that the defacto complainant and I were acquainted for about seven months prior to the complaint. Our relationship, which developed over time through mutual communication and meetings, was consensual in nature. The defacto complainant had voluntarily visited my residence and accompanied me during several private outings. The physical intimacy that occurred between us was mutual and based on an understanding of a future together.

4. I categorically state that I have never refused to marry the defacto complainant. On the contrary, I remain willing to marry her and stand by my commitment. I am even ready to solemnize the marriage in accordance with law, subject to any reasonable conditions this Hon'ble Court may deem fit to impose upon me. This willingness is not conditional and is made in good faith with a genuine intention to restore the situation and preserve the dignity and future of both parties involved.

5. I further submit that during the period of my judicial custody in Crime No. 278 of 2025, on the file of Shevapet Police Station, Salem, the defacto complainant herself visited me in prison and recorded her details as my "**wife**" in the jail registry, thereby affirming


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Central Prison, Salem-7.





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the mutual understanding between us. The present complaint appears to have arisen due to a misunderstanding or a momentary breakdown in communication.

6. I respectfully submit that the present FIR has been **falsely foisted** upon me due to personal grievances and misinterpretation of circumstances. I deny all allegations of coercion, cheating or force as alleged in the complaint. The unfortunate miscarriage that took place was not caused intentionally or with any wrongful motive. I express my deepest regret for the outcome and express my willingness to take full responsibility for the future well-being of the defacto complainant.

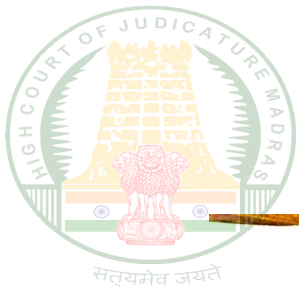
7. I further submit that I am a law-abiding citizen and a businessman engaged in real estate. I am a permanent resident of Salem District and I undertake not to abscond or tamper with the evidence or influence any witnesses.

8. I am presently in judicial custody and have been suffering considerable mental and physical hardship. I undertake to appear before the Trial Court as and when directed and comply with all the conditions that may be imposed by this Hon'ble Court in the event of grant of bail.

I, therefore, pray that this Hon'ble Court may be pleased accept and record this affidavit and enlarge the petitioner on bail in Crime No.


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Central Prison, Salem-7.





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32 of 2025 on the file of the Inspector of Police, AWPS-SALEM TOWN
Police Station, Salem District and thus render justice.

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Solemnly affirmed at Salem, }
Central Prison after the contents }
were read and explained to me in }
Tamil on this the day of , 2025 }
and signed his name in my presence }

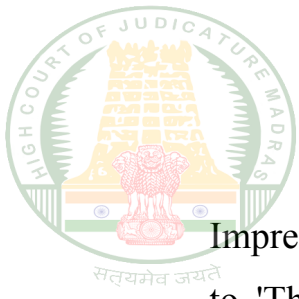
BEFORE ME

JAILOR
Central Prison, Salem-7
26/6

5.Taking into consideration the period of incarceration and the petitioner is willing to marry the defacto complainant, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional Mahila Court, Salem and on further conditions that:

[a] 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; [b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

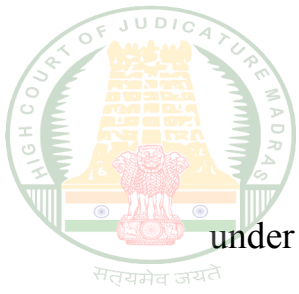
[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

[e] the petitioner to give an undertaking that if 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered



CrI.O.P.No.18992 of 2025

under Section 269 of B.N.S.

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03.07.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

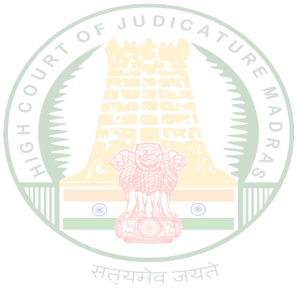
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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

M.NIRMAL KUMAR, J.



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- 1.The Additional Mahila Court,
Salem.
- 2.The Central Prison,
Salem.
- 3.The Inspector of Police,
AWPS Salem Town Police Station,
Salem District.
- 4.The Public Prosecutor,
Madras High Court.

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