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Crl.O.P.Nos.19027 & 19549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.19027 & 19549 of 2025

Alex Pandian

... Petitioner in Crl.O.P.No.19027 of 2025

1.Jawaharlal

2.Panchavaranam

3.Ponnuvel Chandran

... Petitioners in Crl.O.P.No.19549 of 2025

Vs.

The State rep by
The Inspector of Police,
All Women's Police Station,
Virugambakkam,
Virugambakkam, Chennai.
Cr.No.10 of 2025

... Respondent in both Crl.O.Ps'

PRAYER in CRL.OP.No.19027 of 2025 : Criminal Miscellaneous Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.10 of 2025 on the file of the respondent police.



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PRAYER in CRL.OP.No.19549 of 2025 : Criminal Miscellaneous Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.10 of 2025 pending investigation on the file of the respondent police.

In both Crl.OPs'

For Petitioners : Mr.R.Shunmuga Sundaram, Senior Counsel
Assisted by Ms.A.G.Shakeenaa

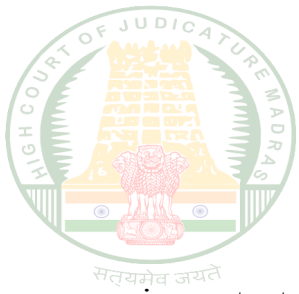
For Intervenor : Mr. M.Mohammed Rafi

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.side)

COMMON ORDER

Petitions for anticipatory bail in Crime No.10 of 2025 dated 10.04.2025, with the complainant being Asha, and the accused being Alex Pandian, who is the petitioner in Crl.OP.No.19027 of 2025.

2. The sum and substance of the complaint is that the petitioner and the defacto complainant have known to each other for more than 8 years. They pursued the studies at the same college. In the year 2018, the petitioner Alex Pandian got married and settled in Canada along with his wife. However, he was

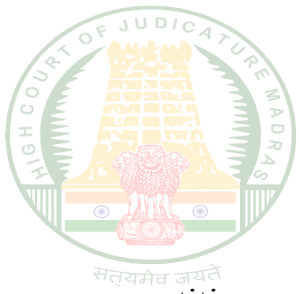


in contact with the defacto complainant. At one point of time, it is alleged that he promised the defacto complainant that he was going to divorce his wife and wished to marry the defacto complainant. Believing his words, the defacto complainant arranged for the petitioner to stay in Chennai when he came to Chennai in the year 2024. She had sexual intercourse with him, believing in his promise. However, later she came to know that he had by deceit and without any intention to marry her, had intercourse with her. Therefore, an offence under Section 69 of BNS has been made out.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant, being an adult woman voluntarily had a sexual relationship with the petitioner, fully aware that he is a married man. To extort money, a false complaint has been filed against him and his family members.

4. The learned counsel appearing for the defacto complainant would submit that the volume of whatsapp messages between the first accused and the defacto complainant would clearly disclose the false promise given by the first accused and that, by deceit he had carnal relationship with the defacto complainant.

5. The learned Government Advocate (Crl.Side) would submit that this



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petitioner is having an antecedent of a similar nature. However, there is no material placed before this Court.

6. This Court also note that the father, mother and brother of the first accused are also apprehending arrest in Crime No.10 of 2025 and they have also filed anticipatory bail petition in Crl.OP.No.19549 of 2025.

7. This Court, on perusal of the complaint and the alleged whatsapp conversation between the first accused and the defacto complainant, clearly indicates that the extra-marital affair of the first accused with the defacto complainant was not by any deceitful means, but with the full knowledge of the defacto complainant that the first accused is a married man. The proposed divorce of his first marriage, though being spoken during the conversation, has not been settled, and any prudent woman cannot be carried away by such a promise and submit herself for sexual intercourse and later claim that by deceit she had been subjected to sexual intercourse. In any event, the complaint on the face of it indicates that it was a consensual relationship between the defacto complainant and the first accused and it is a matter for investigation.

8. As far as this case is concerned, this Court is of the view that a consensual relationship by an adult person cannot later, for some reason, be



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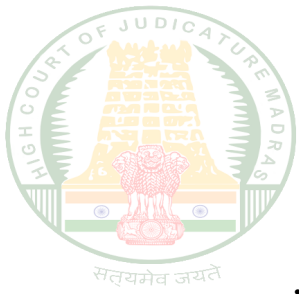
converted into a criminal offence. Prima facie, the complaint does not disclose any deceit, though there is an ingredient of breach of promise. Therefore, this Court is inclined to grant anticipatory bail to the first petitioner, subject with certain conditions:

9. Accordingly, the petitioner (**in Crl.OP.No.19027 of 2025**) is ordered to be released on bail in the event of arrest or on his appearance, **on or before 15.09.2025** before the learned **XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate on or before 15.09.2025, 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 petitioner is directed to return to India on or before 15.09.2025 and report to the respondent police



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immediately after landing, and thereafter report before the respondent police daily at 10.30 a.m, until further orders.

(d) the petitioner shall not leave India without the prior permission of this Court.

[e] 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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

10. Accordingly, the petitioners **(in Crl.OP.No.19549 of 2025)** are ordered to be released on bail in the event of arrest or on their appearance, **on or before 10.09.2025** before the learned **XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate on or before 10.09.2025, 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 petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[d] 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];**

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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1.The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
All Women's Police Station,
Virugambakkam,
Virugambakkam, Chennai.

3.The Public Prosecutor,
High Court of Madras.

Dr. G.JAYACHANDRAN, J.

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