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Crl.OP.No.20901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.20901 of 2025

Dinesh

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Cr.No.184 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of
arrest in Crime No.184 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.C.R.Gokulvisvas

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under
Section 318(4) of BNS and 7(3) of Lotteries Regulation Act, 1998 in
Cr.No.184 of 2025 on the file of the respondent police seeks anticipatory



bail.

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2. The allegation against the petitioner is that he had a love affair with the victim girl, aged about 26 years, and, on the promise of marriage, had sexual intercourse with her. Subsequently, he refused to marry her. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is aged about 25 years and that the relationship between the petitioner and the victim was consensual. Due to differences of opinion, they subsequently separated. He further submitted that it is not a case of rape. Hence, he prayed that anticipatory bail may be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

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

6. A perusal of the FIR shows that the petitioner and the victim girl had been in a relationship since the year 2023, and that a previous complaint had also been lodged against the petitioner in the year 2024.

7. Considering the facts and circumstances of the case, the



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submissions made by both counsel, and taking note of the fact that the petitioner and the victim girl had been in a relationship since 2023, and that a previous complaint had been lodged against the petitioner in 2024, I am inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Salem** on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition:

(a) If the petitioner failed to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, 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 identify proofs to ensure their identity;



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(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) The petitioner shall cooperate fully with the investigation, including submitting to any medical examination as and when required by the Investigating Officer;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

26.09.2025

Vv



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To
1. The Judicial Magistrate – II,
Salem.

2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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