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Crl.O.P.No.27714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 27714 of 2024

Sundaram

Petitioner(s)

Vs

1. The State represented By,
The Sub-Inspector of Police,
AWPS – Guindy Police Station,
Chennai.

2.The Inspector of Police,
All Women Police Station,
Taramani Police Station,
Chennai.

(R-2 impleaded as per order dt:6/12/24 in
Crl.MP.No.17426/24 in Crl.O.P.No.27714/2024)

Respondent(s)

M.Kalpana

Intervenor/defacto complainant

For Petitioner(s):

Mr.K.Kulandai Velu

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor(s):

Mr.G.Mayakrishnan



Crl.O.P.No.27714 of 2024

ORDER

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Apprehending arrest in connection with Crime No.7 of 2024 registered for the offence punishable under Section 69 of BNS, 2023, and Section 4 of TNPHW Act, 2002, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the defacto complainant xxxx is that, she got acquainted with the accused during March 2020, and that she was in relationship with the accused for a period of four years and they have been living like a husband and wife since April 2023, at Perungudi. Further allegation is that, the accused had given assurance that he would marry her, later, the accused had refused to marry her by stating that, they belong to two different communities. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner and the defacto complainant are matured adults and they were in a live in relationship from the year 2020 and subsequently, a proposal of marriage was also given, however, due to the intervention of the parents, that they belong to different communities, the marriage was stopped. He would submit that the allegations in the complaint



Crl.O.P.No.27714 of 2024

would make it clear that the relationship between the parties was consensual in nature. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, the petitioner and the defacto complainant were known to each other from the year 2020 and that, as per the complaint, they were in a live in relationship for the past four years and the petitioner had given an assurance that he would marry the victim girl/defacto complainant, subsequently, the parents of the petitioner have refused to arrange for the marriage. He would submit that the statement under Section 183 of BNSS, 2023 has been recorded from the victim girl/defacto complainant.

5. The learned counsel appearing for the intervenor/defacto complainant would vehemently opposed for the grant of anticipatory bail to the petitioner stating that the petitioner and the defacto complainant were in a live in relationship from the year 2020. He would submit that the defacto complainant was living with the accused only on the assurance that he would marry her and she was into the relationship with him, later, the accused refused



Crl.O.P.No.27714 of 2024

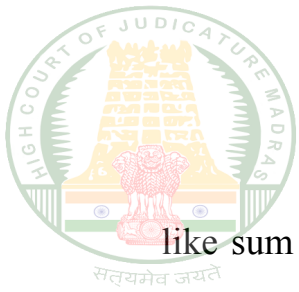
to marry her. He would submit that this Court has referred the matter for

mediation and the mediation has failed and even during the pendency of the mediation, the accused had threatened the defacto complainant from two different mobile numbers.

6. The learned counsel for the petitioner in reply submitted that the petitioner has not disturbed the defacto complainant and he is ready to co-operate for investigation.

7. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor and perused the materials available on record, including the FIR and the statement recorded from the victim under Section 183 of BNSS, taking into consideration the facts and the submissions and the allegation made in the complaint and the statement, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the **Additional Mahila Court, Alandur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each for a



Crl.O.P.No.27714 of 2024

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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 of B.N.S.

21.01.2025

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Crl.O.P.No.27714 of 2024

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.27714 of 2024

21.01.2025

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