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Crl.O.P.No.32532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32532 of 2024

1.Gopalakrishnan

2.Parvathy

Petitioners

Vs

State Rep. by

The Inspector of Police, All Women Police Station,
Villupuram,

(Crime No. 109 of 2024)

Respondent

For Petitioners:

Mr.Saravanabhavan G

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.109 of 2024 registered for the offences punishable under Sections 450, 417, 376 of IPC and Sections 296(b), 133, 115(2) of BNS, 2023 r/w. Section 4 of TNPHW Act, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication



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in the case, learned counsel for the petitioners seeks indulgence of this court.

He would submit that the statement of the defacto complainant would show that the accused and the defacto complainant are consensual adults, who were in relationship, subsequently, there was a break down. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that, the accused proposed his love to the victim/defacto complainant, later, he sexually misbehaved with the victim/defacto complainant and subsequently, he proposed for marriage and continuously had sexual affair with the victim/defacto complainant. Later, the accused refused to marry her. He would submit that statement under Section 183 of BNSS, 2023, from the victim/defacto complainant also recorded, it was stated by the victim that, on false promise of marriage, the accused had sexual relationship with her, later he refused for marriage.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused



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the materials available on record, including the statement recorded from the victim under Section 183 of BNS, 2023, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Villupuram**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two 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] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[d] the petitioners shall not abscond either during investigation or trial;

A.D.JAGADISH CHANDIRA, J.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560]**;

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

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