



Crl.O.P(MD).No.5767 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 18.06.2025

Pronounced on : 11.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.5767 of 2025

and

Crl.M.P(MD)No.5776 of 2025

T.Lakshmanan

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.15 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to grant anticipatory bail and direct the respondent police to enlarge the petitioner/ Accused on anticipatory bail in the event of his arrest in connection with the Crime No.15 of 2025 on the file of the respondent police.

For Petitioner : Mr.Ka.Ramakrishnan

For Respondent : Mr.M.Karunanithi

Government Advocate (Crl.side)

For Intervenor : Mr.S.Gurumoorthy



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ORDER

The petitioner seeks anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.418, 376, 294(b), 506(i) of IPC in Crime No.15 of 2025 on the file of the respondent police.

2. The case of the prosecution is that on marriage proposal by families of both parties, the marriage engagement between the petitioner and the defacto complainant was held on 10.04.2024 and thereupon they met each other. Whiles, it is alleged that the petitioner had physical relationship with the defacto complainant and the marriage proposal was stopped. Hence, the case is registered.

3. The learned counsel for the petitioner has submitted that the petitioner never had any physical relationship with the defacto complainant. It is further submitted that as per contents of FIR, Section 376 of IPC is not made out as the defacto complainant stated consensual physical relationship. Since the marriage proposal was stopped, the defacto complainant has filed this false complaint against the petitioner making allegation of rape and demand of dowry. There is no specific date or time for the alleged commission of offence. Since the defacto complainant



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gave a statement U/s.164 of Cr.P.C., custodial interrogation of the petitioner is not necessary and relied on the order of the Hon'ble Supreme Court passed in Crl.A.No.1359 of 2025 on 19.03.2025. The petitioner has not committed any offence as alleged by the prosecution. He is ready to abide by any condition imposed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is the sole accused, who is working as staff in the Court. He would further submit that the petitioner had sexual relationship with the defacto complainant after fixing marriage, thereafter he broke up the marriage by demanding more dowry. The petitioner has given a statement U/s.164 of Cr.P.C., before the Judicial Magistrate, narrating the incidents. The investigation is pending and the anticipatory bail petition may be dismissed.

5. The learned counsel for the intervening petitioner has argued that the petitioner is a man of false, he had physical relationship with the defacto complainant under the guise of marriage. It is further contended that the petitioner committed coercive threats and cheating against the defacto complainant and that investigation is still pending. If the petitioner is granted anticipatory bail, he would



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tamper and hamper the evidences.

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6. Heard and perused the available records. It is seen from the records that the marriage proposal between both the petitioner and defacto complainant was fixed and later broke up. As per the contents of the FIR, it is alleged that there was consensual sexual relationship between the petitioner and the defacto complainant. The defacto complainant is a major and is working as a professor in a college. On perusal of statement U/s.164 of Cr.P.C. given by the petitioner before the Judicial Magistrate, there is no allegation of rape or dowry demand as alleged in the complaint. Considering the facts, the matter was referred to mediation, but it failed. In view of the order of the Hon'ble Supreme Court, passed in Crl.A.No.1359 of 2025 on 19.03.2025, relied on by the petitioner side, custodial interrogation is not necessary upon allegation of having physical relationship on false pretext of marriage and also after recording statement U/s.164 of Cr.P.C. of the victim. The alleged offences could be decided only on the appreciation of evidences by the trial Court. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of



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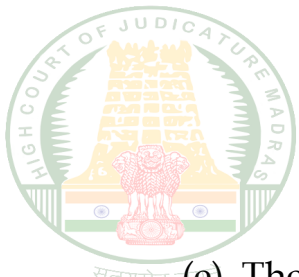
arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Tuticorin, Tuticorin District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.IV, Tuticorin, Tuticorin District, failing which, the anticipatory bail granted by this Court shall stand dismissed and on further condition that:

(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(b) The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.IV, Tuticorin, Tuticorin District. If the petitioner change his residential address, he shall report the same to the learned Judicial Magistrate No.IV, Tuticorin, Tuticorin District;

(c) On release, the petitioner shall appear and sign before the Inspector of Police of respondent police station daily at 10.00 a.m. until further orders;

(d) The petitioner shall not abscond either during investigation or trial and he shall cooperate for the investigation;



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(e) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560 and;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023. Consequently, the connected Miscellaneous Petition is closed.

sd/-
11/07/2025

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/07/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

- 1.The Judicial Magistrate, No.IV, Tuticorin.
2. The Chief Judicial Magistrate, Tuticorin.
- 3.The Inspector of Police,
All Women Police Station, Thoothukudi, Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.5767 of 2025
Date :11/07/2025

PR/31.07 .2025 7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023