



Crl.O.P.(MD)No.13112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.11.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.13112 of 2025 and
CRL MP(MD)No.10882 of 2025

Sathish

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS Palayamkottai Police Station,
Tirunelveli District.
(Crime No.8 of 2025)

... Respondent

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Muthuram

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2025 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(1), 69, 316(1), 296(b), 351(2) of BNS, in Crime No.8 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in the year 2015 de-facto complainant and A1, who is her relative had fell in love with each other and they were in the said relationship for the past 10 years and under the guise of marrying her the A1 had physical relationship with her on various occasions and intimate photographs and videos were recorded by A1 without her consent. She came to know about the same only when the accused refused to marry her. He refused by saying that his parents threatened him that they will commit suicide if the accused does not marry a girl of parents' choice. The other accused persons threatened the defacto complainant to leave A1 by abusing her in filthy language and threatened her with dire consequences. A1 had also threatened her that he will exploit her by posting the recorded photos and videos online. Hence, a case has been registered against the petitioner.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence. He seeks this Court to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) strongly opposed to grant anticipatory bail to the petitioner, since the petitioner had committed the offence of promise to marry with is a crime under section 69.

5. This Court already granted interim anticipatory bail and referred the petitioner / accused and referred the case to mediation. It is reported that the parties have not settled the issues within themselves.

6. Hence this Court tried to settle the issue by calling the parties in chamber. While hearing the issues the victim submitted that the accused on one hand denying to marry her, on the other hand continuously sending messages through unknown numbers. The victim specifically submitted that the messages contains the facts which are intimate ones and are known to them only, hence submitted the accused would have send the same. However the accused denied the same. Therefore, this Court directed the respondent to register a separate case and investigate the same. It is reported that the respondent have registered



a separate case and investigating the same.

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7. In the present case, the respondent had registered a case against the accused under Sections 318(1), 69, 316(1), 296(b), 351(2) of BNS. The section 296(2) of BNS (294(b) of IPC) deals with whoever utter obscene words or acts in public which annoyance others. The section 316 (1) of BNS (405 to 409 of IPC) deals with Criminal Breach of Trust. The section 318(1) of BNS (415, 417, 420 of IPC deals with cheating. The section 351 (2) of BNS (503 and 507 of IPC) deals with criminal intimidation by an anonymous communication.

8. The section 69 of BNS is enacted in BNS for the crime of sexual intercourse by deceitful means. Particularly false promise of marriage was considered as crime. There is no separate provisions to deal with the offence under IPC, but was dealt under section 375 / 376 i.e. rape or cheating. But under BNS is not considered as rape but it is considered as crime under false promise to marry. The section 69 is extracted hereunder:

“69. Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.



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Explanation.—“deceitful means” shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity.”

The said provision is having the following ingredients:

- i. By deceitful means
- ii. or by making promise to marry to a woman
- iii. without any intention to fulfilling the same
- iv. has sexual intercourse but the same is not amounting to rape

The said provision is attracted if fraudulently by making a promise to marry without any intention of fulfilling the same has sexual intercourse with the woman.

9. The word “deceitful” is explained wherein inclusive explanation is given in the statute, wherein it includes

- i. inducement for,
- ii. or false promise of employment
- iii. or promotion
- iv. or marrying suppressing identity.



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The phrase “inducement for” with comma would include promise to marry and have sexual intercourse.

10. In the present case, it is seen that the accused and the victim were in love with promise to marry, then there was a dispute, then also the accused with a promise to marry was having sexual relationship with the victim. Now the petitioner is taking a stand that he cannot marry the victim. That too after having sexual intercourse with the victim. Moreover the accused had taken intimate photos and videos and is threatening to publish the same. As stated supra, even now there is a threat through another mobile number and a separate action is initiated.

11. It is pertinent to record that the girls below 18 years are protected from sexual abuse under POCSO. The lady above 18 years and if married is protected by maintenance, granting residence etc. thereby until divorce the women is protected. Even after divorce the women is protected to live a decent life. Now a vulnerable section of women who are facing mental trauma by the concept of “live-in relationship” and are falling prey to the vulnerability of the concept of “live-in relationship”. Absolutely there is no protection at all.



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12. Infact live-in relationship is a cultural shock to the Indian Society, but it is happening widely everywhere. The girls assume that they are modern and opt for live in relationship. But after some time when they realize that live-in relationship is not granting any protection as granted under marriage, the reality catches as fire and start burning them. And they caught in a web of modernity and cultural. Especially the said women are afraid of naming and shaming them.

13. Infact this Court tried to mediate the parties. When the marriage could not be a solution, this Court tried to settle the issue by paying maintenance or victim compensation. This Court is bound to record the statement of one of the victim, while offering the maintenance or victim compensation, the victim refused to take the same stating that the men would brand her that she did for money or slept for money. The said statement would exhibit the gravity of the problem.

14. Hence this Court is of the considered opinion that the Courts ought to protect the women who are caught in the web modern and culture. It is pertinent to state that in ancient India eight types of marriages were in vogue.



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One among is Gandharva marriage which is love marriage. The live-in relationship may be recognised as Gandharva marriage / love marriage.

15. In live-in relationship the women ought to be protected by granting the status of “wife” under Gandharva marriage / love marriage, so that the women in live-in relationship, even if it is under turbulence, may be provided with rights as “wife”.

16. If marriage is not possible then the men ought to face the wrath of legal provisions. Now the only section that grants protection to women is under section 69 of BNS and the men ought to face the wrath of the section 69.

17. In the present case, there is sexual intercourse with promise to marry. The victim either is entitled to recognise as wife. Or the accused may be charged with promise to marry. But the accused now refuse to marry. Hence left with no option the accused / petitioner is liable to be prosecuted under section 69 of BNS.

18. Taking into consideration the facts and circumstances of the case, the nature and gravity of the offence, the specific overt act against the petitioner,



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and also since the allegation against the petitioner is promise to marry and there are prima facie evidence available, hence interrogation is necessary, hence this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

19. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

14.11.2025

TMG

TO

1.The Inspector of Police,
AWPS Palayamkottai Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY, J.

TMG

ORDER
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