



CRL OP(MD). No.13068 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.13068 of 2025

Vijay,
S/o.Periyasamy

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
AWPS Kumbakonam Police Station,
Thanjavur District.
(Crime No.29 of 2025)

... Respondent/Complainant

For Petitioner : Mr.A.Thiyagarajan,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No.29 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 69 and 351(1) of BNS, 2023 in Crime No.29 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the de-facto complainant developed a friendship through Instagram, which subsequently turned into a love relationship. On the false promise of marriage, the petitioner asked the de-facto complainant to come to Kumbakonam, where he had sexual intercourse with her on several occasions. On 09.05.2025, the petitioner informed the de-facto complainant that he was going to seek permission from his parents for their marriage, but thereafter left Kumbakonam and never returned. On 28.05.2025, when the de-facto complainant called the petitioner to enquire about the matter, he allegedly threatened to release her photos and videos on social media and criminally intimidated her. Subsequently, on 03.06.2025, the petitioner's mother also called her and criminally intimidated her. Hence, a case was registered.

3. The learned counsel appearing for the petitioner submitted that the



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petitioner is an innocent person and is in no way connected with the alleged offence as stated by the prosecution. He has been falsely implicated in this case. He further, by filing an affidavit of the petitioner, submitted that the petitioner is now ready to marry the de-facto complainant. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is the sole accused in this case. The petitioner and the de-facto complainant developed a friendship through Instagram, which subsequently turned into a love relationship. On the false promise of marriage, the petitioner had sexual intercourse with her on several occasions. He submitted that the occurrence took place in September 2023, and the complaint was lodged only on 29.07.2025, with the FIR being registered on the same day. He further submitted that it is a case of consensual sexual relationship between the parties and that, on the date of occurrence, the de-facto complainant was aged about 29 years, while the petitioner was aged about 31 years. He also submitted that the de-facto complainant is now not willing to marry the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

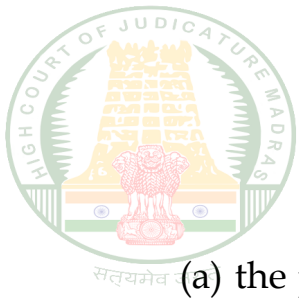
5. Taking into consideration the facts and circumstances of the case, the nature



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of the offence, and taking note of the fact that the occurrence took place in September 2023, but the complaint was lodged only on 29.07.2025 i.e. after a lapse of two years, and that both parties are majors and the alleged several physical relationships between them could be treated as consensual one, and that the Hon'ble Apex Court, in a catena of judgments, has held that the mere fact that physical relations were made pursuant to a promise of marriage would not amount to rape, and that the petitioner is ready to marry the de-facto complainant and has filed an affidavit to that effect, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. 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 learned Judicial Magistrate No.I, Kumbakonam, Thanjavur 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.I, Kumbakonam, Thanjavur District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

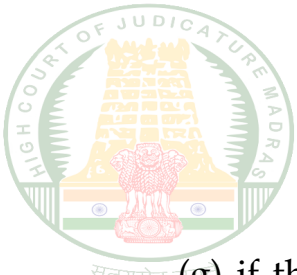
(b) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District;

(c) the petitioner shall report before the Inspector of Police, All Women Police Station, Trichy, from Monday to Friday at 9.00 a.m., and shall further report before the respondent police on Saturdays and Sundays at 9.00 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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] and;



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

sd/-
06/08/2025

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

mkn
TO

1.The Judicial Magistrate No.I,
Kumbakonam, Thanjavur District.

2.The Inspector of Police,
AWPS Kumbakonam Police Station,
Thanjavur District.

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

Copy To
The Inspector of Police,
All Women Police Station,
Trichy.

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-8488[I] dated 06/08/2025)

ORDER
IN
CRL OP(MD) No.13068 of 2025
Date :06/08/2025

HPS/26.08.2025 6P/6C

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