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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-11-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 15790 of 2025

M.Micheal Raj

Petitioner

Vs

The State of Tamil Nadu
Rep. by its The Inspector of Police
All Women Police Station
Thallakulam, Madurai-625002.

Crime No.16 of 2025.

(Amended as per order of this court dated
17.10.2025 in Crl.M.P.(MD).14616/2025
in Crl.OP(MD).15790/2025)

Respondent(s)

For Petitioner(s): Mr.P.Vimal Raj

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

Prayer:

C-38AB. For Anticipatory Bail in Cr.No.16 of 2025 on the file of the Respondent Police.

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 69, 351(2) of BNS, 2023, in Crime No.16 of 2025, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant on false promise of marriage. Further on 14.09.2025, the petitioner tried to marry another girl. A case has been registered as against the petitioner. Hence, the apprehension of arrest.

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 (Crl. side) appearing for the respondent submitted that the offences committed by the petitioner are serious in nature.

5. This Court mediated between the parties. At one point of time, the petitioner submitted that he would marry the victim, hence this Court directed to file an undertaking affidavit that he will marry the defacto complainant. But the same was not submitted.

6. In the present case, the respondent had registered a case against the accused under Sections 69 and 351(2) of BNS. The section 351 (2) of BNS (503 and 507 of IPC) deals with criminal intimidation by an anonymous communication. 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.

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.



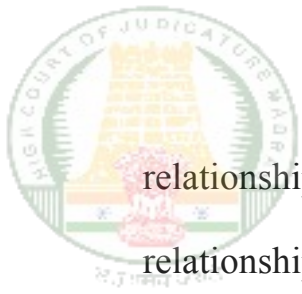
7. The word “deceitful” is explained wherein inclusive explanation is given in the statute, wherein it includes

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

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

8. 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.

9. 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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10. 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.

11. 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 victims, 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.

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

13. 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”.

14. 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.

15. In the present case, there is sexual intercourse with promise to marry. The victim either is entitled to recognize 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.

16. Taking into consideration the facts and circumstances of the case, the



nature and gravity of the offence, the specific overt act against the petitioner, 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.

17. Accordingly, this Criminal Original Petition is dismissed.

10-11-2025

Tmg

Note: Issue order copy on 29.12.2025.

To

1. The Inspector of Police
All Women Police Station
Thallakulam
Madurai-625002.

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