



CRL.OP(MD). No.21899 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.21899 of 2024

Surendran

... Petitioner/ Accused

Vs.

1.State of Tamil Nadu,
rep by Inspector of Police,
AWPS-Karur Police Station,
Karur District.
Crime No.32 of 2024

... 1st respondent/complainant

2.M.Sudha

... 2ndrespondent /Defacto
Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on anticipatory bail in the event of arrest or surrender in connection with Crime No.32 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Neelam Rahuwaran
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.12.2024



CRL.OP(MD). No.21899 of 2024

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
WEB COPY
to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 417 of IPC, 1860, Sections 296(b) and 351(3) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.32 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant were in love with each other. The petitioner, on the false promise of marrying the defacto complainant, had a physical relationship with her multiple times starting from November-2022. He also received a total amount of Rs.3,00,000/- from her. The defacto complainant further bought a two-wheeler for the petitioner, for which the loan was repaid by her. The family members of the petitioners also promised to arrange their marriage. However, the petitioner, along with his family members, cheated the defacto complainant and threatened her. Hence, the complaint.

4. Mr.S.Neelam Rahuwaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of



CRL.OP(MD). No.21899 of 2024

pre-arrest bail to the petitioner.

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioner, along with his family members, on the false promise of marrying the defacto complainant, cheated her. He therefore prays for dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. This Court, by an order dated 12.12.2024, referred the matter for medication. The parties were present before the Mediation Centre attached to this Court. The mediation report has been filed before this Court. On persual of the mediation, it reveals that the petitioner agreed to marry the defacto complainant. In view of the same, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Additional Mahila Judge, Additional Mahileer Court, Karur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/-



CRL.OP(MD). No.21899 of 2024

(Rupees Twenty Five Thousand only) to the satisfaction of the learned Additional
WEB COPY
Mahila Judge, Additional Mahileer Court, Karur.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Additional Mahila Judge shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent police, weekly once i.e., on every Sunday at 10.00 am., until further orders.

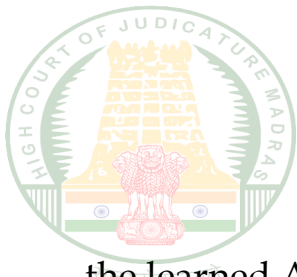
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and her family members and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish his residential address and mobile number to



CRL.OP(MD). No.21899 of 2024

the learned Additional Mahila Judge.

WEB COPY

(ix) On breach of any of the aforementioned conditions, the learned Additional Mahila Judge or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
07/03/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

1 THE ADDITIONAL MAHILA JUDGE
ADDITIONAL MAHILEER COURT,
KARUR.

2 THE INSPECTOR OF POLICE,
AWPS-KARUR POLICE STATION,
KARUR DISTRICT.



CRL.OP(MD). No.21899 of 2024

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21899 of 2024
Date :07/03/2025

HPS/SAR / 03.04.2025/6P/4C

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