



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL A No. 298 of 2026

Manikandan

..Appellant(s)

Vs

1. The State Rep.by,
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tirupattur District.
2. The State Rep.by,
The Sub-Inspector of Police,
All Women Police Station,
Tirupattur, Tirupattur District.
Cr.No.9 of 2026.
3. Xxxxx
D/o. XXXX,
XXXXXXXX,
Tirupattur Taluk and District.

..Respondent(s)

Prayer: This Criminal Appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act as amended by Act 1/2016, to call for the records pertaining to the order dated 04.03.2026 made in Crl.M.P.No.521 of 2026 on the file of the learned District and Sessions Judge, Tirupattur and set aside the same and consequently enlarge the appellant on bail in connection with Cr. No.9 of 2026 on the file of the 2nd Respondent Police.

For Appellant(s): Mr.R.Rajadurai

For Respondent(s): Ms.J.R.Archana, GA (Crl.Side) for R1 & R2;

Mr.R.Muthukumar for 3rd Respondent



JUDGMENT

This Criminal Appeal is filed seeking to set aside the order dated 04.03.2026 made in CrI.M.P.No.521 of 2026 on the file of the learned District and Sessions Judge, Tirupattur, and consequently enlarge the appellant on bail in connection with Crime No. 9 of 2026 on the file of the 2nd Respondent Police.

2.The case of the prosecution, as per the de facto complainant/3rd respondent, is that she is a temporary nurse and became acquainted with the accused in 2023. It is alleged that on 23.08.2023, the appellant entered her house and had sexual intercourse with her on the promise of marriage. The said relationship continued for three years. However, the appellant suddenly stopped responding to her calls. Subsequently, the appellant's sister allegedly informed the de facto complainant that their marriage could not be arranged as they belong to different communities. Initially, the case was registered under Section 420 of the IPC, and later altered to include Section 3(1)(r) of the SC/ST (PoA) Act. The appellant was arrested on 25.02.2026.

3.The learned counsel for the appellant submitted that this is a case of a consensual relationship between two adults which spanned three years. He contended that the relationship has been unfairly projected as a case of cheating and that a "sexual act conceived under a promise to marry" does not amount to a



criminal offence when the relationship is sustained over a long period. He further submitted that a consensual relationship that turns sour cannot be given a criminal colour. In support of his contentions, he relied on the judgments of the Apex Court in *Deepak Gulati vs. State of Haryana* [(2013) 7 SCC 675], *Mahesh Damu Khare vs. State of Maharashtra* [2024 INSC 897], *Amol Bhagwan Nehul vs. State of Maharashtra* [2025 INSC 782], and *Biswajyoti Chatterjee vs. State of West Bengal* [2025 INSC 458].

4. Conversely, the learned Government Advocate (Crl. Side) and the learned counsel for the 3rd respondent vehemently opposed the grant of bail. They submitted that the appellant induced the victim, who belongs to the Scheduled Caste community, with a false promise of marriage from the very beginning. They contended that after exploiting her for three years, the appellant refused to marry her citing communal differences, and that the investigation is still pending, during which the victim's statement under Section 164 of Cr.P.C. has been recorded.

5. Heard the learned counsel on either side and perused the materials available on record, including the statement of the victim recorded under Section 164 of Cr.P.C.

6. It is observed from the records that the de facto complainant and the



appellant were in a relationship for a period of three years. While the de facto complainant alleges inducement, the prolonged nature of their relationship and the legal principle settled by the Apex Court regarding consensual relationships between adults suggest that the appellant has made out a case for bail.

7. Taking into consideration the facts and circumstances of the case and the period of relationship, this Court is inclined to set aside the order of the trial court and allow the appeal. Hence, the appellant is granted bail, and the impugned order dated 04.03.2026 passed in CrI.M.P. No. 521 of 2026 on the file of the District and Sessions Court, Tirupattur, dismissing the bail application of the appellant, is hereby set aside.

8. Accordingly, the appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge, Tirupattur, and on further conditions that:

[a] The appellant and sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] The appellant shall appear before the respondent police everyday at 10:30 a.m. for a period of two weeks, and thereafter, on the first and third Monday of every



month at 10:30 a.m. until further orders.

[c] The appellant shall not abscond either during the investigation or trial;

[d] The appellant shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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]*;

[f] If the appellant thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

9. Thus, this Criminal Appeal stands allowed.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHA



A.D.JAGADISH CHANDIRA, J.

SHA

WEB COPY

To

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Tirupattur District.
2. The Sub-Inspector of Police,
All Women Police Station,
Tirupattur,
Tirupattur District.
3. Learned District and Sessions Judge,
Tirupattur.
4. The Superintendent,
Sub Jail, Tirupattur.
5. The Public Prosecutor,
Madras High Court.

CRL A No. 298 of 2026

30-03-2026