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CRL OP No. 9755 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 9755 of 2026

Ganesh

..Petitioner(s)

Vs

State Rep By,
The Inspector of Police
AWPS Melmaruvathur,
Chengalpattu.
Crime No. Not Known of 2026

..Respondent(s)

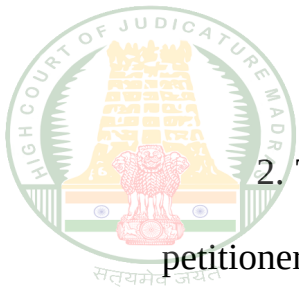
Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the Petitioner on bail in the event of his arrest in Crime No. Not Known of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr.P.Anbazhagan

For Respondent(s): Mr.N.Palanivel
Government Advocate
(Criminal Side)

ORDER

The petitioner, apprehending arrest for the alleged offences under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.13(a) of 2026 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that on a false promise of marriage, the petitioner induced the defacto complainant to have sexual intercourse with him, as a result of which the defacto complainant became pregnant and delivered a child. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent of the allegations and has not committed any offence. He submitted that the petitioner is a law-abiding citizen and that it was a purely consensual relationship between the defacto complainant and the petitioner. He further submitted that the petitioner has arranged for another marriage, but he is ready to take care of the child, especially since the defacto complainant left the child with the petitioner. He further submitted that the petitioner is ready to abide by any condition imposed by this Court and to cooperate with the investigation. Hence, he prayed for the grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the FIR has been registered in Crime No.13 of 2026 for the offences under Sections 69, 351(2), and 384 of the Bharatiya Nyaya Sanhita, 2023. On instructions, he fairly conceded that the defacto complainant delivered a girl child on 29th September 2025, that the initial relationship between them was consensual, and that the



parties are relatives. He further confirmed that the baby is currently in the custody of the petitioner and that the complaint was preferred due to the arrangements being made for another marriage of the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the facts and circumstances of the case, the fact that the initial relationship between the petitioner and the defacto complainant was consensual, that they are relatives, and that the child is currently under the custody and care of the petitioner, this Court is of the view that custodial interrogation of the petitioner is not strictly required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the copy of this order is made ready, before the learned Judicial Magistrate-II, Maduranthagam, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties each for a like sum, to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned



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learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(d) The petitioner shall not abscond either during investigation or trial;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act;

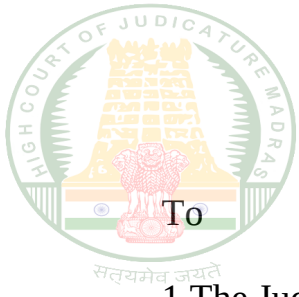
09-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Judicial Magistrate-II, Maduranthagam.

2.The Inspector of Police, AWPS Melmaruvathur, Chengalpattu.

3.The Public Prosecutor, High Court of Madras, Chennai.

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C.KUMARAPPAN, J.

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