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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 28924 of 2026

CNR: {HCMA012412832026}

A Subramanian
S/o. Adimoolam,
Aged about 59 years,
Presently under suspension,
Residing at Plot No.18,
Mariamman Koil Street, .
Vinoba Nagar,
Puducherry

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Karaikal Town Police Station,
Karaikal, puducherry.
Crime No.242 of 2026.

..Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNS, praying to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.242 of 2026 on the file of the respondent police, registered for the alleged offences under Section 67(A) of the Information Technology Act, 2000 and Sections 75(1)(i) and 79 BNS, on such terms and conditions as this Honble Court may deem fit and thus render justice.

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For Petitioner(s): Mr.R.C.Paul Kanagaraj
For M/s.Divya T

For Respondent(s): M/s.G.Djearany Omprakash
Government Advocate (Crl Side)
For Puducherry

Mr.Parthiban for Intervenor

ORDER

This is a petition for anticipatory bail under Section 482 of the BNSS. The petitioner is the sole accused in Crime No.242 of 2026 on the file of the Inspector of Police, Karaikal Town Police Station, Karaikal, Puducherry. The case was registered on 29.09.2026 for offences under Sections 75(1)(i) and 79 of the BNS and Section 67-A of the Information Technology Act. During investigation, by a report dated 14.10.2026 filed before the learned Judicial Magistrate No.I, Karaikal, Sections 64(2)(a)(i), 64(2)(m), 308(6), 118(1) and 351(3) of the BNS were added.

2. The petitioner is a Superintendent of Police of the Puducherry Police, aged 59, now under suspension. He was the Superintendent of Police, South Sub-Division, Karaikal, from 31.01.2022 to 26.08.2025, and was thereafter posted at Puducherry. The victim is a woman police constable who was attached to the All Women Police Station, Karaikal, from February 2024. That station adjoins the official quarters then occupied by the petitioner. Her husband is a Head Constable of the same force.

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3. The case of the prosecution is this. On 30.12.2025 the mother of the victim sent a complaint to the Director General of Police, Puducherry. It stated that the petitioner, while Superintendent of Police, scolded her daughter in indecent terms before others, insisted that she telephone him, sent her photographs of himself in a state of undress, called her alone to his quarters, obtained Rs.3,00,000/- and three sovereigns of jewellery from her, and subjected her to sexual harassment at his residence, as a result of which her daughter attempted to take her own life. That complaint was forwarded to the respondent and was registered as the first information report on 29.09.2026, nine months after it was made. The period of occurrence is stated as 25.02.2024 to 30.12.2025. On 12.10.2026 the statements of the victim and her mother were recorded under Section 183 of the BNSS by the learned Judicial Magistrate No.I, Karaikal. In her statement the victim has stated that between April and June 2025, by threats of transfer, of false implication in the cases pending against her brother and of harm to her and her husband, the petitioner compelled her to come to his quarters in the early hours of the morning while she was on night sentry duty, and had intercourse with her against her will on six or seven occasions; that on the first occasion he burnt her thigh with a lighted incense stick; that he obtained Rs.2,00,000/- by bank transfer in September 2025, Rs.20,000/- in cash and her ear ornaments weighing about three and a half sovereigns at a hotel in Karaikal in October 2025,

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Rs.20,000/- by bank transfer on 15.10.2025 and Rs.30,000/- in cash at a guest house in Puducherry on 17.12.2025; and that he had intercourse with her at the hotel and at the guest house as well. On the strength of that statement the sections were altered.

4. The same complaint had, before the case was registered, been enquired into by the Internal Complaints Committee (ICC) of the Puducherry Police under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. The Committee examined the complainant, the victim, her husband and nine other witnesses, permitted the petitioner to cross-examine, and submitted its report on 03.07.2026. It found the allegations of unwelcome personal attention, of abuse of authority and of receipt of money from the victim substantiated, and recommended major penalty proceedings. On the allegation of continuous psychological control and forced communication, it found that *"the parties subsequently developed a consensual relationship"* and that *"the aggrieved person herself initiated conversations on numerous occasions at later stage"*. The allegation of demanding intimate photographs, it found, *"cannot be proved"*. The husband of the victim told the Committee that, on checking her phone, he found a search on YouTube on *"why a 30-year-old woman falls in love with a 50-year-old man"*, which shocked him. The disciplinary authority accepted the report and, by order dated

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24.09.2026, placed the petitioner under suspension with his headquarters fixed at Puducherry. The petitioner has preferred an appeal against the report.

5. The typed set also contains the statement of the victim recorded by the respondent police at the Government Hospital, Karaikal, on 22.12.2025, while she was under treatment after consuming phenyl. In it she states that there had been a quarrel between her and her husband for three days; that on that morning he came to the All Women Police Station and abused her in the presence of the Inspector; that, distressed by this, she consumed phenyl on reaching home after duty; that it was a family matter; and that no further action was required. The petitioner is not mentioned in it.

6. The learned counsel for the petitioner submitted that the allegations are the very allegations enquired into by the Committee and are the subject of a pending appeal; that the first information report was registered nine months after the complaint, and only after the complainant moved this Court in W.P.(Crl.) No.2395 of 2026; that the contemporaneous statement of the victim at the hospital does not attribute her act to the petitioner; that the material is documentary and electronic and is already with the investigating agency, so that custodial interrogation is not needed; that the petitioner is 59, has put in 37 years of

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unblemished service, is due to retire in February 2027, has no previous case, and is under suspension with his headquarters fixed at Puducherry; and that he will co-operate with the investigation and abide by any condition.

7. The learned Public Prosecutor for Puducherry opposed the petition on the counter affidavit of the respondent. It is stated that the investigation is at a preliminary stage and the sections have been altered to include rape by a police officer; that the arrest of the petitioner is required *"for sustained interrogation and recovery of the extorted money of the victim"*; that, being an officer of the rank of Superintendent of Police, he is likely to hinder the investigation and tamper with the evidence; that when served with a notice under Section 35(3) of the BNSS to appear on 08.10.2026 he did not appear, pleading illness; that most of the witnesses are members of the Puducherry Police, whom he may influence; and that if granted anticipatory bail he will not co-operate. The counter also records that the victim was medically examined on 05.10.2026 and that her samples have been sent for forensic examination.

8. I have considered the rival submissions and perused the material placed before me.

9. On a petition for anticipatory bail the Court is guided by the nature and gravity of the accusation, the role attributed to the applicant

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and the facts of the case, and it may impose such conditions as the case requires, as held in **Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1**. The factors to be weighed include the antecedents of the applicant, the possibility of his fleeing from justice, the likelihood of his tampering with the evidence or threatening the complainant, and whether the accusation appears to have been made with the object of injuring or humiliating him, as set out in **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, and restated in **Bhadresh Bipinbhai Sheth v. State of Gujarat, (2016) 1 SCC 152**. In **Bhadresh Bipinbhai Sheth (cited supra)** the Supreme Court granted anticipatory bail in a case of alleged rape, holding that the seriousness of the charge by itself is not a reason to deny it, and treated the absence of the allegation of rape from the earliest statement of the prosecutrix, and the time that passed before it was raised, as circumstances that weighed, while leaving their explanation to the trial. Whether custodial interrogation is needed is one of these considerations; it is not, by itself, decisive.

10. The accusation now is of rape, by a senior police officer of a constable who served under him. It is grave, and I do not minimise it. But gravity is weighed with the rest of the record, and this record has features that bear directly on whether the petitioner's custody is needed.

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11. The first is the course the allegation has taken.

(a) The complaint of 30.12.2025 speaks of indecent scolding, calls and messages, photographs, money and jewellery, and of sexual harassment at the petitioner's residence; it does not speak of rape.

(b) Before the Committee, between January and June 2026, the victim spoke of being *"subjected to physical harassment and intimidation"* at his residence and of meeting him at hotels; the Committee did not record an allegation of rape, and found that the relationship became consensual.

(c) The first information report of 29.09.2026, registered on the same complaint, was for the offences of sexual harassment, insult to modesty and transmission of obscene material.

This petition was filed on 01.10.2026. The allegation of forcible intercourse appears for the first time in the statement recorded under Section 183 of the BNSS on 12.10.2026, and the sections were altered two days later. Standing against it is the statement the victim gave at the hospital on 22.12.2025, when the events were fresh, attributing her act to a quarrel with her husband and asking that no action be taken. The victim says that she kept silent out of fear of a superior officer. Whether that explanation is to be accepted is for the trial court, and I express no view on it. For the present purpose it is enough that the gravest accusation

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entered the record after this petition was filed, and that none of the earlier accounts, including the one she gave in the course of a departmental enquiry in which she was heard at length, contains it.

12. The second is the nature of the association that the record discloses. On the victim's own statement, the association ran from February 2024 to December 2025. She went to the quarters on her own two-wheeler; she met the petitioner at a hotel in Karaikal in October 2025 and at a guest house in Puducherry on 17.12.2025, which she booked in her own name; and both meetings were after the petitioner had been transferred out of Karaikal in August 2025 and had ceased to be her superior officer. The exchanges on WhatsApp continued throughout. The Committee, which heard her and saw the messages and screenshots, found that the relationship became consensual and that she herself initiated conversations at the later stage. Whether there was consent, and if so whether it was free or was vitiated by the position the petitioner held, is the question the trial court will have to answer, and I decline to answer it in advance. What the material does show is that this is not a case of a single forcible act followed by a prompt complaint. It is a case in which the character of a long association is itself the matter in issue, and that is a matter for evidence at the trial rather than for custodial interrogation.

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13. The third is what the investigation needs from the petitioner. The counter says that his arrest is required for sustained interrogation and for recovery of the money. The money is said to have gone to the petitioner's savings bank account, through a friend of the victim in September 2025 and directly on 15.10.2025. The bank records are the evidence of those transfers, and the petitioner admitted them before the Committee, calling them loans that were repaid. The messages and screenshots are already with the Committee and the police; the victim's phone has been examined; her medical examination has been done. The remaining witnesses are, on the respondent's own showing, police personnel, nearly all of whom have already given statements before the Committee in the petitioner's presence. The cash and jewellery said to have been handed over in October 2025 may be the subject of a recovery, and a condition will secure the petitioner's attendance for that purpose; nothing in the counter shows that it requires his detention. As to the notice under Section 35(3) of the BNSS, it was issued on 01.10.2026 for appearance on 08.10.2026, and the petitioner wrote that he was under treatment for chest pain at the Indira Gandhi Medical College and Research Institute, Puducherry. The counter does not dispute the treatment. One failure to appear, so explained, is not evasion.

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14. The fourth is the apprehension of tampering. It rests on the petitioner's rank, and on nothing else in particular. He has been under suspension since 24.09.2026, with his headquarters fixed at Puducherry, which he cannot leave without the permission of the disciplinary authority. He holds no office and commands no subordinate. The witnesses from the force have already deposed before a Committee presided over by a Senior Superintendent of Police, and their statements are of record. The apprehension that remains can be met by conditions forbidding contact with the victim, her family and the witnesses, and forbidding his entry into Karaikal. He is 59, is due to retire in February 2027, has no previous case, and is a permanent resident of Puducherry. The possibility of flight is remote.

15. Weighing the gravity of the altered sections against these four features of the record, I am satisfied that the custodial interrogation of the petitioner is not necessary, and that the ends of the investigation can be secured by conditions. I rest this conclusion on the whole of the material: the manner in which the gravest allegation came to be made, the character of the association disclosed by the victim's own statement and found by the Committee, the documentary nature of the evidence, and the position in which the petitioner now stands. Rather than an isolated incident, the allegations involve multiple occurrences over an extended period at

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various private locations, which may indicate a prolonged consensual relationship**.**

16. The legal position is stated thus: An accusation that first enters the record in a statement under Section 183 of the BNSS recorded after the petition for anticipatory bail is filed, where the contemporaneous complaint, the first information report and a departmental enquiry on the same facts, in which the woman was heard at length, did not contain it, is a circumstance that weighs in favour of anticipatory bail. The gravity of the offence added on that statement is weighed; it is not, by itself, a reason to refuse the relief.

17. **In the result, this Criminal Original Petition is allowed and the petitioner is granted anticipatory bail.** In the event of arrest, or on his appearance before the learned **Judicial Magistrate No.I, Karaikal,** within fifteen days from today, the petitioner shall be released on bail on his executing 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 learned Magistrate, subject to following conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from today, this order shall stand automatically cancelled;

(b)The sureties shall affix their photographs and left thumb impression in the application for surety slip (Judicial Form No.46

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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 appear before the respondent police daily at 10.30 a.m. for a period of fifteen days and thereafter, as and when required, and shall co-operate in the investigation, including in any recovery proceeding.

(d)The petitioner shall not, directly or indirectly, contact or communicate with the victim, her husband, her mother or any witness in the case, by any means, including telephone, messaging applications and social media.

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

(f) the petitioner shall not tamper with the evidence or witness either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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];***

(h)If the1 accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

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1. The Judicial Magistrate No.I
   Karaikal

2. The Inspector of Police
   Karaikal Town Police Station,
   Karaikal, puducherry.

3. The Public Prosecutor,
   Puducherry.

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N.RAMESH, J.

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