



CRL OP(MD). No.2524 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/04/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.2524 of 2026

P.Tholkappiyan

... Petitioner/ Accused

Rank Not Known

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Awps-Karur, Karur District,
Crime No.04 of 2026.

... Respondent/Complainant

(Amended as per order of this Court Dated 24.02.2026 in
Crl.MP(MD).4430 of 2026 in Crl.OP(MD)No.2524 of 2026 by SSYJ).

PRAYER :-

For Anticipatory Bail in Crime No.04 of 2026 on the file of the
respondent police

For Petitioner : Mr.NR.Elango, Senior Counsel
for Mr.R.Mathiyalagan, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervener : M/s.S.Meena, Advocate.

ORDER : The Court made the following order :-



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The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 318, 296(b), 64 and 88 of BNS, 2023, in Crime No.4 of 2026 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has sexual intercourse with the defacto complainant on giving a false promise that he would marry her. Thereafter, she become pregnant and he insisted her to abort the child. However, he refused to marry her and further abused and threatened her. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioner is an innocent and he was falsely implicated in this case and he has no way connected in the above said incident. He would further submit that he never assured to marry the defacto complainant and already, this Court granted interim order in favour of the petitioner and the petitioner also appeared before the respondent police for enquiry without fail and according to the defacto complainant, the occurrence was took place on 14.08.2025 but FIR has been registered only on



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06.02.2026 and no previous case is pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the offence committed by the petitioner is serious in nature and the investigation is still pending and hence, he opposes to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervener would submit that the petitioner gave juice to the defacto complainant by mixing some substance, and thereby she became unconscious. Taking advantage of the same, he had sexual intercourse with the defacto complainant. Thereafter, she become pregnant and as per threatened made by the petitioner's parent, she aborted 2 months fetus and thereafter, the petitioner refused to marry her and thereby, he committed the serious offence and the investigation is still pending and hence, strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.



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7. Considering the rival submissions on either side and the nature of offences charged against the petitioner, and already this Court granted interim order in favour of the petitioner and thereafter, he appeared before the respondent for enquiry and the alleged occurrence was took place on 14.08.2025, and no complainant has been lodged immediately after the occurrence and even according to the defacto complainant and her mother, they went to the private hospital in Tirupur, and they were informed that the womb was partially affected, and the doctor advised medical termination and thereafter, the same was informed to the petitioner and thereby, the fetus was aborted and no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to execute 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 **Judicial Magistrate No.I, Karur**, and on further conditions that:

[b] the petitioner shall report before the respondent



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police, daily at 10.30 a.m until further orders;

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[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

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

29.04.2026

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P. DHANABAL,J

dss

To

- 1.The Judicial Magistrate No.I, Karur.
- 2.The Inspector of Police,
Awps-Karur, Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2524 of 2026

Date : 30/04/2026
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