

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 25-11-2025**

PRONOUNCED ON : 09-06-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL MP(MD) NO. 13917 of 2025 in

CRL OP(MD)No.13068 of 2025

Julie Priya

Petitioner(s)

Vs

1. Vijay

2. The State of Tamilnadu
rep by the Inspector of Police
AWPS Kumbakonam Police Station
Thanjavur District
Crime No.29/2025

Respondent(s)

For Petitioner(s): Mr.J.Mohamed Ibrahim

For Respondent(s): Mr.A.Thiyagarajan for R1

Mr.S.S.Manoj, Government Advocate for R2

Prayer:

To cancel the anticipatory bail granted to the 1st respondent vide order dated 06.08.2025 passed in Crl.OP(MD)No.13068/2025 and direct the 2nd respondent police to arrest 1st respondent by invoking the powers under 483(3).

ORDER

This petition is filed to cancel the anticipatory bail granted to the 1st respondent vide order dated 06.08.2025 passed in Crl.O.P.(MD)No.13068/2025 and

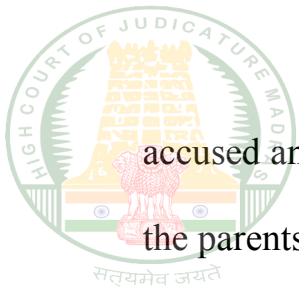


direct the 2nd respondent police to arrest 1st respondent.

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2. The accused / 1st respondent had filed an anticipatory bail application in CRL O.P.(MD)No.13068 of 2025, apprehending arrest for the alleged offences under section 69 of 351(1) BNS in Crime No.29 of 2025. The case of the prosecution as stated in the anticipatory bail is that the defacto complainant was working as a school teacher, both the petitioner and defacto complainant came to know about each other through Instagram and the defacto complainant had friendly relationship with the accused. The accused lured the defacto complainant with sweet words and asked the defacto complainant to come to Kumbakonam and had sexual intercourse many times on promise of marrying the defacto complainant. On 09.05.2025, the accused informed the defacto complainant that he is going to get permission from his parents for marriage and left Kumbakonmam, but never returned. The defacto complainant called the accused on 28.05.2025 and enquired what had happened but in turn the accused threatened the defacto complainant that he will release the photos and videos of the defacto complainant in social media thereby criminally intimidated her. Again on 03.06.2025 the mother of the accused called the defacto complainant and criminally intimidated. Hence, the complaint.

3. The contention of the accused is that he never committed any offence. The



accused and defacto complainant loved each other and their marriage was objected by the parents of the accused. In order to wreak vengeance, the defacto complainant filed the false complaint.

4. In the anticipatory bail application, the Court after hearing the rival submissions had granted anticipatory bail however it has been specifically recorded that the accused had agreed that he would marry the defacto complainant, based on the same the anticipatory bail was granted and the relevant paragraph is extracted hereunder:

*“5. Taking into consideration the facts and circumstances of the case, the nature of the offence, and taking note of the fact that the occurrence took place in September 2023, but the complaint was lodged only on 29.07.2025 i.e. after a lapse of two years, and that both parties are majors and the alleged several physical relationships between them could be treated as consensual one, and that the Hon’ble Apex Court, in a catena of judgments, has held that the mere fact that physical relations were made pursuant to a promise of marriage would not amount to rape, and **that the petitioner is ready to marry the de-facto complainant and has filed an affidavit to that effect**, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.”*

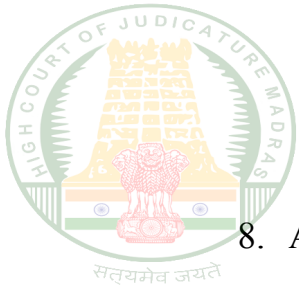
5. The specific contention of the defacto complainant to cancel the anticipatory bail is that the accused was ready to marry the defacto complainant and had filed an affidavit to that effect. Hence, the Court had granted anticipatory bail. Thus, when the



accused had given an affidavit that he would marry the defacto complainant and got anticipatory bail. But after obtaining the anticipatory bail, the accused refused to marry the defacto complainant. Therefore, the defacto complainant prayed to cancel the anticipatory bail.

6. When the accused refused to marry the defacto complainant, this Court directed the parties to appear before the Court in order to ascertain whether there is promise to marry and whether the accused had intention to marry the defacto complainant. After hearing the parties, this Court directed the parties to appear for counselling. The counsellor has submitted a detailed report before this Court.

7. On perusing the report, it is seen that the accused had promised to marry the defacto complainant and on the pretext had sexual intercourse with her and made her pregnant twice and it was aborted. The respondent has rightly included Section 69 of BNS, since there is promise to marry and had sexual intercourse with the defacto complainant. When the accused had also submitted an affidavit to marry the defacto complainant and refused to marry the defacto complainant after getting anticipatory bail, then it is clear that the basis on which the accused was granted anticipatory bail is no longer there. Therefore, this Court is inclined to cancel the anticipatory bail. Hence, the anticipatory bail granted by this Court vide order, dated 06.08.2025, in CRL.O.P.(MD)No.13068 of 2025, is hereby cancelled. The respondent police is directed to secure the petitioner.



8. Accordingly, the criminal miscellaneous petition is allowed. And the anticipatory bail granted is cancelled and the anticipatory bail application is dismissed.

9. The defacto complainant is entitled to the counsellor's report and a copy may be served to the defacto complainant.

09.06.2026

Tmg

To

Inspector of Police
AWPS Kumbakonam Police Station
Thanjavur District