



CRL OP(MD). No.23043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.01.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.23043 of 2025

M.Dharmarajan

. ..Petitioner/ Accused

Vs

State of Tamil Nadu
Rep by the Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.52 of 2025)

... Respondent/Complainant

For Petitioner : Mr.K.Ramakrishnan
Advocate.

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.Side)

For Intervenor : Mr.Jeyakarthick

PETITION FOR ANTICIPATORY BAIL Under Sec.482
of BNSS

PRAYER :- For Anticipatory Bail in Crime No.52 of 2025 on the file of
the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 417, 376, 312, 294(b), 506(ii) IPC (318(2), 64, 88, 296(b), 351(3) BNS), in Crime No.52 of 2025 on the file of the respondent police, seeks anticipatory bail,

2. The prosecution case is that the petitioner had sexual intercourse with the de facto complainant, as a result of which, she became pregnant. Thereafter, both of them allegedly visited a medical shop and purchased tablets to terminate the pregnancy. Subsequently, the petitioner is stated to have refused to marry the de facto complainant, which led to the filing of the present complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Criminal Side) submitted that the CD file produced by him constitutes evidence establishing a physical relationship between the petitioner and the defacto complainant. He further submitted that although the petitioner has denied the existence of any physical relationship, the available evidence supports the prosecution's case. It was also contended that the petitioner is involved in a very serious offence and that the investigation is still pending. Hence, he strongly objected to the grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the petitioner has involved in very serious offence. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. The section 69 of BNS is enacted in BNS for the crime of sexual intercourse by deceitful means. Particularly false promise of marriage was considered as crime. There is no separate provisions to deal with the offence under IPC, but was dealt under section 375 / 376 i.e. rape or cheating. But under BNS is not considered as rape but it is



considered as crime under false promise to marry. The section 69 is
extracted hereunder:

“69. Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation.—“deceitful means” shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity.”

The said provision is having the following ingredients:

- i. By deceitful means
- ii. or by making promise to marry to a woman
- iii. without any intention to fulfilling the same
- iv. has sexual intercourse but the same is not amounting to rape

The said provision is attracted if fraudulently by making a promise to marry without any intention of fulfilling the same has sexual intercourse with the woman.

7. The word “deceitful” is explained wherein inclusive explanation is given in the statute, wherein it includes

- i. inducement for,
- ii. or false promise of employment
- iii. or promotion



iv. or marrying suppressing identity.

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The phrase “inducement for” with comma would include promise to marry and have sexual intercourse.

8. In the present case, the said section 69 of BNS was not included, hence the respondent is directed to include the said section.

9. It is seen that the accused and the victim were in love with promise to marry, then there was a dispute, then also the accused with a promise to marry was having sexual relationship with the victim. Now the petitioner is taking a stand that he cannot marry the victim. That too after having sexual intercourse with the victim.

10. It is pertinent to record that the girls below 18 years are protected from sexual abuse under POCSO. The lady above 18 years and if married is protected by maintenance, granting residence etc. thereby until divorce the women is protected. Even after divorce the women is protected to live a decent life. Now a vulnerable section of women who are facing mental trauma by the concept of “live-in relationship” and are



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falling prey to the vulnerability of the concept of “live-in relationship”.

Absolutely there is no protection at all.

11. In fact live-in relationship is a cultural shock to the Indian Society, but it is happening widely everywhere. The girls assume that they are modern and opt for live in relationship. But after some time when they realize that live-in relationship is not granting any protection as granted under marriage, the reality catches as fire and start burning them. And they caught in a web of modernity and cultural. Especially the said women are afraid of naming and shaming them.

12. The boys suddenly would take stand accusing the character of the girls. While having live-in relationship the boys would assume themselves as modern, but they slam the girls of their character for having live-in relationship, hence the boys also would be caught in a web of modernity and character assault of girls.

13. Infact this Court tried to mediate the parties. When the marriage could not be a solution, this Court tried to settle the issue by



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paying maintenance or victim compensation. This Court is bound to record the statement of one of the victims, while offering the maintenance or victim compensation, the victim refused to take the same stating that the men would brand her that she did for money or slept for money. The said statement would exhibit the gravity of the problem.

14. Hence this Court is of the considered opinion that the Courts ought to protect the women who are caught in the web modern and culture. It is pertinent to state that in ancient India eight types of marriages were in vogue. One among is Gandharva marriage which is love marriage. The live-in relationship may be recognised as Gandharva marriage / love marriage.

15. In live-in relationship the women ought to be protected by granting the status of “wife” under Gandharva marriage / love marriage, so that the women in live-in relationship, even if it is under turbulence, may be provided with rights as “wife”.



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16. If marriage is not possible then the men ought to face the wrath of legal provisions. Now the only section that grants protection to women is under section 69 of BNS and the men ought to face the wrath of the Section 69 of BNS.

17. In the present case, there is sexual intercourse with promise to marry. The victim either is entitled to recognise as wife. Or the accused may be charged with promise to marry. But the accused now refuse to marry. Hence left with no option the accused / petitioner is liable to be prosecuted under section 69 of BNS.

18. Taking into consideration the facts and circumstances of the case, the nature and gravity of the offence, the specific overt act against the petitioner, and also since the allegation against the petitioner is promise to marry and there are prima facie evidence available, hence interrogation is necessary, hence this Court is not inclined to grant anticipatory bail to the petitioner at this stage.



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19. Accordingly, this Criminal Original Petition is dismissed.

However, the Tamil Nadu Uniform Services/Police Department is directed to take appropriate action against the petitioner in accordance with law.

(S S Y J)
06.01.2026

msrm

To

- 1.The learned Judicial Magistrate No.I,
Tirunelveli District.
- 2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Commissioner
Tirunelveli District.



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S.SRIMATHY,J

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**ORDER
IN
CRL OP(MD) No.23043 of 2025**

**06.01.2025
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