



CRL OP(MD). No.23155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.02.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.23155 of 2025

Balaji

... Petitioner/ Accused

Vs

1. The State of Tamilnadu

Rep by the Inspector of Police,
All Women Police Station,
Thanjavur.

(Crime No.16 of 2025)

...1st respondent/complainant

2. Jeyalakshmi,

D/o.Krishnamoorthi,
P/10, Krishnaveni Ammal Street,
Thanjavur.

...2nd Respondent/de facto Complainant

R2 is suomotu impleaded as per the order
of this Court dated 16.12.2025 in
Crl.OP(MD).No.23155 of 2025.



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For Petitioner : Mr.G.Anto Prince
For S.Gokulraj

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : K.Jeyalakshmi
Party-in-person

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.16 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner has filed this present bail application, which came up for hearing on 05.01.2026. After considering the rival submissions, especially after taking into consideration of the submission that the petitioner had admitted that there was marriage proposal and he would marry the defacto complainant, this Court has granted interim bail to the petitioner with a specific condition that the petitioner shall file an affidavit of undertaking that he would marry the defacto complainant. On such filing of the affidavit, the petitioner may be released on interim bail.



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2. Aggrieved over the order, the petitioner has preferred an appeal before the Hon'ble Supreme Court in SLP.No.1629 of 2026. The Hon'ble Supreme Court has held as under:-

4. The above conditions were imposed pursuant to the statement made by the petitioner. The petitioner cannot take benefit of part of the order and say that the other part cannot bind him and needs to be set aside. The correct course of action to follow would be to set aside the entire order since the High Court was lulled into passing the order on the statement of petitioner.

5. In view of the above, we set aside the order dated 05.01.2026 in Crl.OP(MD).No.23155 of 2025. The High Court to consider Crl.OP(MD).No.23155 of 2025 on its own merits afresh.

6. Learned counsel for the petitioner submits that he has protection till 04.02.2026 and prays leave that the High Court may be requested to consider the matter before the said date.

7. The learned counsel for the petitioner is granted liberty to bring to the attention of the High Court about the present order passed by us, on Monday ie. On 02.02.2026.

8. Till 04.02.2026, the protection granted by the High Court shall continue to operate as an order of interim bail.



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3. The Hon'ble Supreme Court held that the petitioner cannot be permitted to take advantage of one part of the order while contending that the other part does not bind him, hence the Hon'ble Supreme Court set aside the order.

4. In view of the said plea, the Hon'ble Supreme Court set aside the entire order dated 05.01.2026 and remitted the matter back to this Court for fresh consideration. Pursuant thereto, the bail application was posted for reconsideration.

5. The learned counsel for the petitioner categorically submitted that the petitioner is neither ready nor willing to marry the defacto complainant and therefore, such conditions cannot be imposed. Further submitted that the offences alleged under Sections 296(b), 115(2), 75(1), and 75(1)(ii) of the BNS carry a maximum punishment of only three years and in such circumstances, the bail application deserves to be favourably considered.



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6. The defacto complainant submitted that the petitioner in order to get bail had falsely given the assurance that the petitioner would marry the defacto complainant, but he is not willing to marry at all, thereby abused the process of the Court. The said argument of the defacto complainant is acceptable, since the same is evident from the stand taken by the petitioner before this Court and the stand taken before the Supreme Court.

7. On a bare reading of the FIR it is seen that the petitioner had sexually abused the petitioner and has demanded for sexual favour and also attempted penetrative assault.

8. Further the 2nd respondent/defacto complainant has appeared before this Court in person and she strongly opposed for granting of bail to the petitioner for the reason that during the period of interim bail, the petitioner visited the house of the defacto complainant, abused with filthy language, assaulted the character of the defacto complainant, misbehaved with her, physically assaulted abused and tortured her.



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9. The petitioner had admitted the fact that he had visited the house of the defacto complainant but submitted he visited to take the certificates belonging to the petitioner. Also submitted that there were disputes while visiting the house and there was wordy altercation. But the defacto complainant submitted the same ended in physically abusing, assaulting and torturing her and further submitted that the petitioner threatened her for preferring complaint and also threatened for opposing the bail.

10. In such circumstances, if bail is granted to the petitioner, he would threaten the defacto complainant, tamper the evidence and interfere with investigation. Further the investigation is in preliminary stage. Furthermore, the allegations stated in the FIR are made out and there is prima facie case.

11. In view of the above facts and circumstances, bail cannot be granted. The interim bail already granted by this Court stands vacated. This Criminal Original Petition is dismissed. The petitioner is directed to surrender before the respondent forthwith. Failing which the respondent



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police is directed to arrest the petitioner.

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12. This Court is of the opinion that there was a promise to marry the victim and therefore, Section 69 is attracted. Hence the prosecution is directed to include the section 69 of BNS and further proceed with the case.

(S S Y J)
04.02.2026

msrm

To

1. The learned Judicial Magistrate,
Additional Mahila Court,
Thanjavur.
2. The Superintendent, Sub Jail,
Pudukkottai.
3. The Inspector of Police,
All Women Police Station,
Thanjavur.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY, J

msrm

**ORDER
IN
CRL OP(MD). No.23155 of 2025**

04.02.2026