

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFS., PGDDF.,

Principal Sessions Judge.

Thursday, the 11th day of June, 2026.

Crl.M.P.No.4235/2026

in

W-17, Sembium A.W. P.S. Crime No.10/2026

S.Nedunchezhiyan

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

W-17, Sembium All Women Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.A.Kalai Selvan, S.Shanthosh, the Counsel for the petitioner and of the CPP for respondent police and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 69 of BNS in Crime No.10/2026 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that the petitioner and defacto complainant were already married and they got divorce from their respective spouses. The petitioner was suppressed the fact that the defacto complainant is a person of unsound mind and the same was brought to the notice of the petitioner only recently by seeing the divorce order copy of the defacto complainant. Therefore, the petitioner has dropped the marriage proposal. Aggrieved by the same, the present complaint has been given. According to the learned counsel for the petitioner, to attract Sec.69 of BNS, the deceptive mind should be there at the inception. He relied on the decision of the Hon'ble High Court of Karnataka in Writ Petition No.35036 of 2024, dated 4.3.2026 in this regard.

3. Per contra, the learned City Public Prosecutor has submitted that the petitioner and defacto complainant were in living in relationship for about eight months. The petitioner promised to marry the defacto complainant and had established physical relationship with her. Now that he refused to marry her.

According to the learned CPP, the custodial interrogation of the petitioner is very much necessary for the purpose of medical examination. Hence, he seeks for dismissal of the petition.

4. This court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of the records, it is found that the petitioner and the defacto complainant were got divorce from their respective spouses. As per the allegations, the petitioner and defacto complainant were in living-in-relationship for about eight months and they proposed to carryout their marriage at Lakshmi Amman Temple. Subsequently, he defrauded the defacto complainant without marrying her. The learned counsel for the petitioner submitted that the former husband of the defacto complainant got divorce on the ground of unsoundness of mind of the defacto complainant. The said fact was suppressed by the defacto complainant. The petitioner came to know about the said fact only through the order passed by the Subordinate Judge, Ponneri in H.M.O.P.No.91/2013, dated 5.4.2017. Only on that ground, the marriage was dissolved. The learned counsel for the petitioner produced the copy of the order passed by the Subordinate Judge, Ponneri in H.M.O.P.No.91/2013. On perusal of the said order, it is found that the divorce was granted on the ground of mental cruelty and mental insanity. On careful perusal of the records, it is found that the defacto complainant has not divulged where they lived together for the past eight months. The medical examination of the defacto complainant does not disclose any recent sexual activities. Arrangement of marriage and calling of the marriage, which was already arranged, is only a social contract and breach thereon does not invite any criminal prosecution. Considering the above circumstances, this court is inclined to grant anticipatory bail.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of this order, before the XXXIII Metropolitan Magistrate / XXXIII Judicial Magistrate Court (Mahila Cases), Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest

or to the satisfaction of the learned Magistrate concerned and on further condition that

[a] the petitioner and the sureties shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned 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 Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in open court this the 11th day of June, 2026.

Principal Sessions Judge

Copies to:

1. The XXXIII Metropolitan Magistrate / XXXIII Judicial Magistrate, (Mahila Cases), Chennai.
2. CPP, Chennai.
3. The Inspector of Police, W-17, Sembium All Women Police Station, Chennai.

SS

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