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CRL OP No. 23081 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 23081 of 2026

Durai V
S/o. Vanamamalai,
The Pentecostal Mission, Roja Street,
Srinivasa Nagar Post,
Irumbulliyur, Chennai, Perungalathur,
Kancheepuran, Tamilnadu 600 063.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
All Women Police Station(AWPS), Vellore.
Crime No.25 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, (BNSS) 2023, to enlarge the Petitioner an
Anticipatory bail in the event of the arrest of the Petitioner in Crime No.25 of
2026 on the file of the Respondent Police.

For Petitioner(s) : Mr. M. A. Gouthaman

For Respondent(s): Mr. R. Rajasekaran,
Government Advocate (Crl.Side)

ORDER

The petitioner, apprehending arrest at the hands of the respondent Police
for the alleged offences punishable under Sections 376(2)(n) and 376C of the
Indian Penal Code (IPC), 1860, in Crime No.25 of 2026 on the file of the
respondent Police, has approached this Court seeking anticipatory bail.



2. The allegation against the petitioner is that he is a pastor who allegedly misbehaved with the defacto complainant and repeatedly committed aggravated penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent State reiterated the case of the prosecution and, on instructions, submitted that the de facto complainant is a Sri Lankan national currently residing in Bengaluru. He submitted that at the time of the alleged occurrence in the year 2021, the defacto complainant was a medical student who used to visit the church while suffering from depression. It is alleged that the petitioner, capitalizing on his position as a pastor, misbehaved with her and forcibly raped her, following which she faced continuous threats. He further submitted that while the petitioner has no previous criminal antecedents, considering the gravity of the offences, he opposed the grant of anticipatory bail to the petitioner.



5. I have given my anxious consideration to either side submissions.

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6. According to the prosecution, the petitioner is a pastor serving at 'The Pentecostal Church'. The de facto complainant alleged that while she was attending a prayer gathering in Vellore on 03.09.2021, the petitioner misbehaved with her and sexually harassed her. Thereafter, the petitioner allegedly continued to harass her over phone calls using filthy language for a certain period. Regarding the said occurrence, she lodged a complaint on 30.07.2022. However, she did not proceed with the matter, and the complaint was subsequently closed.

7. Thereafter, she challenged the closure of the complaint by way of a writ criminal petition in W.P. (Crl.) No. 1262 of 2026. Upon hearing the petition and based on the submissions of the learned Government Advocate (Criminal Side), the said writ petition was closed, noting that the complainant had failed to appear for the inquiry. While disposing of the writ petition, this Court granted liberty to the de facto complainant to lodge a fresh complaint if there was a fresh cause of action. Armed with the said order, the de facto complainant lodged the present complaint based on a purported fresh cause of action, leading to the registration of the current First Information Report against the petitioner on 20.07.2026.



8. On a perusal of the First Information Report, it is evident that there is no fresh cause of action disclosed in the present complaint. The material on record merely references the previous inquiry conducted on 30.07.2022, following which the defacto complainant chose not to pursue the matter, resulting in the closure of the said complaint.

9. Considering the facts and circumstances of the case, the nature of the allegations, and the fact that the alleged occurrence dates back to the year 2021, for which an inquiry has already been conducted and closed, this Court notes that the present complaint has been lodged for the very same issue without any fresh grounds. Accordingly, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate -I, Vellore**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the



date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police daily at 10:30 A.M., until further orders;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

19-08-2026

KLT

To

1. The Judicial Magistrate – I, Vellore.
2. The Inspector of Police, All Women Police Station (AWPS), Vellore.
3. The Public Prosecutor, High Court of Madras.



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N.RAMESH, J.

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