



CRL OP(MD)No.14995 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K. RAJASEKAR

CRL OP(MD)No.14995 of 2026

Shanmugavel,
S/o.Subbaiya Pillai

... Petitioner / Sole Accused

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhunagar District.
(Crime No.33 of 2026)

... Respondent/Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in connection with the FIR in Crime No.33 of 2026 on the file of the respondent police.

For Petitioner : Mr.Karthikeyan P,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Criminal Side)



CRL OP(MD)No.14995 of 2026

WEB COPY

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest in connection with Crime No.33 of 2026 on the file of the respondent police, registered for the offences punishable under Sections 318(4), 351(2), and 64 of BNS, 2023, seeks the relief of anticipatory bail.

2. The allegation against the petitioner is that the petitioner is the close relative of the de-facto complainant in this case. Taking advantage of the absence of the de-facto complainant's husband, the petitioner used to visit home. In the month of August 2025, the petitioner forcibly entered the house of the de-facto complainant and committed rape on her. However, she has not divulged the same to any other person, since the petitioner has threatened her with dire consequences. Thereafter, she has also delivered a child. When she has intimated the same to the other family members, the others have also threatened her not to inform the same to the others. Subsequently, she has come forward with the present complaint and the case has been registered.



CRL OP(MD)No.14995 of 2026

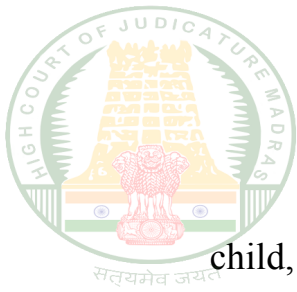
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3. The learned counsel for the petitioner submitted that it is not a case of rape and that the relationship was consensual. He further submitted that the allegation is false and that no DNA test has been conducted so far. The learned counsel further submitted that the petitioner is ready and willing to cooperate with the investigation and abide by any condition that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail.

4. *Per contra*, the learned Counsel for State of TN (Criminal Side) submitted that the petitioner is aged about 70 years and that the investigation in this case is still pending. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. Considering the nature of the allegations, the facts and circumstances of the case, and also the fact that the alleged occurrence is said to have taken place about one year prior to the lodging of the complaint and that the de-facto complainant has now given birth to a



CRL OP(MD)No.14995 of 2026

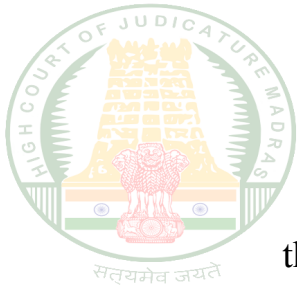
child, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate cum Fast Track Mahila Court, Srivilliputhur, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further conditions 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 cooperate with the medical examination, as and when required for the purpose of the investigation;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and



CRL OP(MD)No.14995 of 2026

WEB COPY

thereafter, as and when required for the interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and

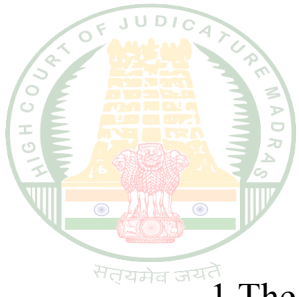
(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

22.07.2026

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CRL OP(MD)No.14995 of 2026

1. The Judicial Magistrate cum Fast Track Mahila Court,
Srivilliputhur, Virudhunagar District.
2. The Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD)No.14995 of 2026

K. RAJASEKAR, J.

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ORDER
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