



CRL OP(MD). No.19782 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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C.Subramanian

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(Crime No.204 of 2024)

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)

For Intervenor : Mr.Ramesh Kumar, Advocate
for Mr.M.Karthick, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 204 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 191(2), 191(3), 329(4), 127(1), 296(b), 115(2), 118(1), 308(7) and 351(3) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1988 of IPC, in Crime No.204 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and Dr.Kumaresan are friends. The defacto complainant is running a hospital in which one Swetha was working as a receptionist. The defacto complainant came to know that his brother has swindled some money from the hospital with the aid of some of the employees. Since the petitioner is the friend of the defacto complainant, he also discussed about this issue with him. The petitioner had informed the defacto complainant that the said Swetha is having some documents and audio records with reference to the said misappropriation committed by the employees. Accordingly, the defacto complainant was invited to a guest house at Ariyakudi. Believing the same, the defacto complainant went to that place and asked for those documents and audio records from the petitioner. At that time, on the instigation of the petitioner, unknown persons trespassed into the property and attacked the defacto complainant and abused him with filthy language. Subsequently, they also tied the



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hands of the defacto complainant and snapped a photo of the defacto complainant along with Swetha. Thereafter, they demanded a sum of Rs.1 crore, failing which, they will upload the said photos in social media. Hence, the case.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally 6 accused persons in this case and the petitioner has been arrayed as A1.

4. Heard the learned counsel on either side and perused the material records of the case.

5. When the petitioner filed the first anticipatory bail petition in Crl.OP(MD). No.14381 of 2024, this Court on considering the facts of the case, was not inclined to grant anticipatory bail to the petitioner and accordingly the petition was dismissed by an order dated 09.09.2024.

6. Subsequently, the petitioner filed Crl.OP(MD).No.16791 of 2024. That petition was also dismissed as withdrawn by order dated 15.10.2024. While doing so, this Court took into consideration the stand that was taken by the victim girl and accordingly, the following direction was issued at paragraph no.3 of the order which is extracted hereunder:

“3. Even though the petitioner for anticipatory bail is withdrawn, the victim lady is now coming up with a new version as if



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it is only the defacto complainant who has been misusing her signature and all the earlier complaint made by her is incorrect and in fact her signature is taken in blank papers in the complaint and before the High Court her signature was forged. She did not even sign in the intervening petition and that she has also given a specific complaint with regard to the same. Let the said complaint be also be investigated by the respondent Police.”

7. Pursuant to the above order, an enquiry was conducted by the Inspector of Police of Karaikudi South Police Station. A statement was also recorded from the said victim girl/Swetha. The report of the Inspector of Police and also the statement that was recorded from Swetha were placed before this Court.

8. On carefully going through the statement of Swetha, it is seen that Swetha, in no uncertain terms, has stated that the petitioner has not committed any offence of threatening or intimidating and that she was made to sign in some typed papers and that she was not even aware about the contents of those typed matter.

9. The learned Government Advocate (Criminal side), on instructions, submitted that the said Swetha gave a different version when she was examined and her statement was recorded under Section 161(3) of CrPC. However, subsequently



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she has come out with another version which runs contrary to the earlier version.

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He further submitted that there are 5 previous cases against the petitioner.

10. Taking into consideration the facts and circumstances of the case and considering the specific stand that has been taken by the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. 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, Karaikudi, 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 like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required.

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



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investigation or trial.

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[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 Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
22/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

1.The Judicial Magistrate,
Karaikudi.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.



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3.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-14443[I] dated
22/11/2024)

ORDER
IN
CRL OP(MD) No.19782 of 2024
Date :22/11/2024

ED/ GSV /SAR- (05/12/2024) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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