



Crl.O.P.No.59 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.59 of 2025

R.Shankar Narayan

... Petitioner

Vs

The State rep by
The Inspector of Police,
E-8, Kelampakkam Police Station
Tambaram City
Respondent
Crime No.361 of 2024.

...

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on anticipatory bail in the event of his arrest pending investigation in Crime No.361 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Ramesh
for Mr.R.Ashwanth

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)



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ORDER

Apprehending arrest in connection with Crime No.361 of 2024 registered for the offences punishable under Sections 296 (B), 115(2), 351(2) of BNS 2023 r/w 4 of the Tamil Nadu Prohibition of Harassment of Women Act, the present petition has been filed by the petitioner seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant and there was a matrimonial dispute pending between them. Earlier the defacto complainant had given a false POCSO case against the petitioner and the petitioner had approached this Court in Crl.OP.No.30133 of 2024 and he was granted anticipatory bail on 11.12.2024. Coming to know about the same, the defacto complainant lodged a false and malicious complaint the very next day. He further submitted that the matrimonial dispute has been exaggerated beyond proportion and POCSO Act has



been misused by the defacto complainant for obtaining financial gains from the petitioner under the threat of police action. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that as per defacto complainant/wife, the petitioner/husband had physically tortured her and not taken care of her and also spread rumors about her and that he is having antecedents of POCSO case.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 receipt of a copy of this order, before the learned Judicial Magistrate I, Chengalpattu, on condition that the petitioner shall execute a bond for a



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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 said Magistrate, on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police on every Saturday at 6.30 p.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 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.

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To

1. The Inspector of Police,
E-8, Kelampakkam Police Station,
Tambaram City.
2. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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