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Crl.OP.No.2793 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2793 of 2025

1.Sharmila
2.Mounika
3.Maheswari
4.Thiruvelu

... Petitioner s

Vs.

State rep by
Inspector of Police,
F-3 Arambakkam Police Station,
Thiruvallur.
Crime No.540 of 2024

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in the above crime no. 540 of 2024 on the file of respondent Police.

For petitioner : M/s.K.Sivakumar

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 329(4), 296(b), 118(1) and



351(3) of BNS Act r/w Section 4 of Woman Harassment Act in Crime No.540 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners went to the house of defacto complaint, abused the defacto complainant and her family member in filthy language, and assaulted them with wooden logs. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons, with the 1st petitioner being a minor and school going girl and the 2nd petitioner being a college student and they have been falsely implicated in this case. He also submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he opposed for granting bail to the petitioner.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegations; and the injured has been discharged from the hospital; and that custodial interrogation of the petitioner is not required for the purpose of investigation, and since the 1st petitioner is minor, this Court is inclined to grant anticipatory bail to the 1st petitioner without any conditions. Insofar as the petitioners 2 to 4, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate cum District Munsif Court, Gummidipoondi**, on condition that the petitioners 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 said Magistrate, on further condition that:

- [a] 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 2nd and 3rd petitioners shall report before the respondent Police, as and when required and the 4th petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners shall not tamper with evidence or witness 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



CrI.OP.No.2793 of 2025

imposed and the petitioners 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*** reported in [(2005)AIR SCW 5560];

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

06.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1.The Judicial Magistrate cum District Munsif Court,
Gummidipoondi,

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Inspector of Police,
F-3 Arambakkam Police Station,
Thiruvallur.



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CrI.OP.No.2793 of 2025

SUNDER MOHAN, J.

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CrI.OP.No.2793 of 2025

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