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Crl.O.P.No.1309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CRL OP NO. 1309 of 2025

Sakthi

... Petitioner(s)

Vs

State Rep By
Inspector Of Police
Krishnapuram Police Station,
Dharmapuri District.
(Crime.No.146 Of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.146 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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Crl.O.P.No.1309 of 2025

ORDER

Heard the learned counsel on either side.

2.The petitioner stands accused in Crime No. 146 of 2024 on the file of respondent police for the offences under Sec.75(2), 79 of The Bharatiya Nyaya Sanhita (BNS), 2023 and Sec. 4 of TNPHW Act. The specific allegation against him is that when the defacto complainant proceeding to her work in a showroom, wherein the petitioner said to have called her, shown his private part and she had informed to the public and the public caught hold of him and he was arrested on 31.12.2024.

3. Learned Government Advocate (Crl. Side) would submit that no previous case pending against the petitioner.

4. Taking into account the over all facts and circumstances and the fact that the petitioner's conduct had caused embarrassment to the victim, I am of the view that though the allegation is grave in nature, the petitioner's



Crl.O.P.No.1309 of 2025

continuity of incarceration will not serve any purpose. Hence, this Court is inclined to grant bail to the petitioner, subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 **learned Addl. Mahila Court, Dharmapuri** and on further conditions that:-

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned trial judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) after the sureties are executed, the petitioner comes out on bail, he shall file an undertaking affidavit before the trial court stating that he will completely away from victim girl. If ever the said undertaking given is breached, this Court will not hesitate to follow-up the petitioner for contempt of court;

(d) taking into consideration of the petitioner's conduct, he is directed to stay at Chennai and sign before the Inspector of Police, Esplanade Police Station daily at 10.30 a.m. for the period of 30 days. The said condition will expire automatically on the 30th day;



Crl.O.P.No.1309 of 2025

WEB COPY

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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]**.

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

17.01.2025

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Crl.O.P.No.1309 of 2025

WEB COPY

To

- 1.The Addl. Mahila Court,
Dharmapuri.
- 2.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri Dt..
- 3.The Superintendent,
Sub-Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.1309 of 2025

G.R.SWAMINATHAN, J.

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Crl.O.P.No.1309 of 2025

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