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CRL OP No.2890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No.2890 of 2025

Thirupathy

.....Petitioner(s)

Vs

The State rep. by the Sub Inspector of Police,
Alangayam Police Station,
Tirupathur District.
(Crime No.01 of 2025)

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023 to enlarge the petitioner on anticipatory bail in the event of the arrest pending investigation in Crime No.1 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr.R.Parthiban

For Respondent(s): 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 Sections 296(b), 115(2) of BNS Act r/w Section 4 of TNPHW Act in Crime No.1 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner was spreading false rumour in the village about the defacto complainant's sister in law and when the defacto complainant questioned the same, the petitioner tried to misbehave and also physically assaulted her. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and due to previous enmity, a false complaint has been foisted against the petitioner. It is a case and case in counter and that the petitioner also lodged a complaint against the defacto complainant before the respondent police in Cr.No.2 of 2025. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, when the defacto complainant questioned about the false rumour of her sister in law, the petitioner tried to misbehave and also physically assaulted her. He further submitted that a counter complaint has also been registered against the defacto complainant in Cr.No.2 of



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

6. Considering the nature of allegations and that there is a case and counter case; and that the custodial interrogation of the petitioner is not required for the purposes of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is 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 was made ready, before the learned **Judicial Magistrate No.III, Thirupathur**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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:



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[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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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*** 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.

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To

1. The Inspector of Police,
Alangayam Police Station,
Tirupathur District.
2. The Judicial Magistrate No.III, Thirupathur.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.
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