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CrI.O.P.No.5429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5429 of 2025

K.Kaviyan

... Petitioner

Vs

State rep. by:-

The Inspector Of Police,
Gummudipoondi Police Station,
Gummidipoondi Taluk,
Thiruvallur District.
[Cr. No.13 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail in the event of his arrest by the respondent police in connection with case in Crime No.13 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Gopi

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]



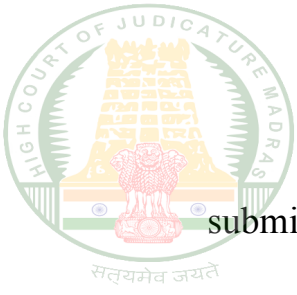
ORDER

The petitioner / Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(a), 351(2) of the BNS read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022 in connection with the case in Crime No.13 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had harassed the defacto complainant's daughter in a public place expressing his love; that when the defacto complainant questioned the same, the petitioner threatened the defacto complainant and abused her in filthy language.

3.Learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case the custodial interrogation is not required and sought for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the case of the prosecution and on instructions



submitted that the petitioner has no bad antecedents.

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5. 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.

6. Considering the nature of the allegations, the fact that the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose 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 his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate, Gummudipoondi** 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 conditions that:

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[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.

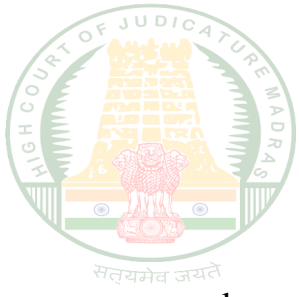
[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

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

[f] 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].

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



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To

- 1.The District Munsif cum Judicial Magistrate, Gummudipoondi.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
Gummudipoondi Police Station,
Gummidipoondi Taluk,
Thiruvallur District.

SUNDER MOHAN. J.,

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