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Crl OP No.3179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3179 of 2025

R.Balasubramani

... Petitioner

Versus

State rep by
The Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.
Crime No.21 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.21 of 2025 on the file of the respondent police.

For petitioner : Mr.R.Sasi Kumar

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 Sections 351(1) of BNS r/w Section 4 of Tamilnadu Prohibition of Women Harassment Act



and 66 D of IT Act in Crime No.21 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is a friend of the defacto complainant's first husband; that and on coming to know that the defacto complainant intended to marry for the second time, he had uploaded the photographs of the defacto complainant with her first husband in order to tarnish the image of the defacto complainant and to prevent her from getting married for the second time . Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the allegations are false and in any cae, the petitioner has filed an affidavit of undertaking that he shall not upload any pictures of the defacto complainant with her first husband in any social media in future and therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the petitioner must restrained from indulging in any similar acts.



5. The petitioner has now filed an affidavit that he would not indulge in any similar activities in future and he would not disturb the defacto complainant in any manner. The relevant Paragraph No.3 in the affidavit is reads as follows:

" 3. I respectfully submits that I have filed an anticipatory bail application before the Hon'ble Court of Madras in Crl.OP.No.3179 of 2025 and the case has been listed on 10.02.2025. I further submit that I have agreed to file an undertaking affidavit stating that I won't indulge in such activities in the future (i.e., uploading the photographs of the defacto complainant's daughter in social media) nor will I disturb the defacto complainant's daughter."

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

7. Considering the nature of allegations and the affidavit of undertaking filed by the petitioner, the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



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8. Accordingly, 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 on which the order copy is made ready, before the ***Judicial Magistrate No.II, Thiruvallur***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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:

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

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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 is released on bail by the learned Magistrate/Trial



Crl OP No.3179 of 2025

Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

17.02.2025

Vv

To

1. The The Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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