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CRL OP NO. 3177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3177 of 2025

1.P.Yuvaraj
2.K.Manoharan

Petitioners

Vs

The State rep by
The Inspector of police
AWPS, Vaniyambadi,
Thirupathur District
[Crime No.02 of 2025]

...Respondent

For Petitioners : Mr.Sasikumar R
For Intervener : Mr.S.Sasikumar
For Respondent : Mr.S.Santhosh
Government Advocate, Criminal Side.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 69, 296(b), 351(2) and 318 of BNS comparison of 375, 294, 506, 415 of IPC in Crime No. 02 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 petitioners are the brothers of A1; that the de-facto complainant is a widow and was working in HDFC Bank; that the first accused had developed a love affair with the de-facto complainant and had sexual intercourse on several occasions on the false promise of marriage and that the petitioners herein had obtained Rs.1,10,000/- from the de-facto complainant stating that they would get her married to the 1st accused. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated; that the first accused was arrested and released on bail; that the first accused and the de-facto complainant had consensual relationship; that the petitioners are ready and willing to pay Rs.10,000/- each to the de-facto complainant to show their *bona-fides* without prejudice to their defence and that custodial interrogation is not required.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail reiterated the prosecution case and submitted that A1 was arrested and released on bail.

5. The learned Counsel for the de-facto complainant/Intervener strongly opposed for grant of anticipatory bail to the petitioners stating that the de-facto complainant is a widow and taking advantage of her situation, the petitioners herein had obtained a sum of Rs.1,10,000/- from the de-facto complainant on a false promise and they have not repaid the same.

6.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

7.Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and since



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custodial interrogation is not required in the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Vaniyambadi**, on condition that the petitioners shall execute a separate 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 condition that:-

[a] the petitioners 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.



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[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioners are directed to deposit a sum of Rs.10,000/- each (a total sum of Rs.20,000/-) to the credit of Crime No. 02 of 2025 within a week from the date of receipt of a copy of this order.

[d] the de-facto complainant is permitted to withdraw the aforesaid deposited amount by filing necessary application before the Court below in the manner known to law.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



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accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

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

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