



WEB COPY



Crl.O.P.No.3553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3553 of 2025

Arivazhagan

... Petitioner

Vs.

State Rep. by its
The Inspector of Police
W-18, All Women Police Station (M.K.B.Nagar)
Chennai.
(Crime No. 3 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.3 of 2025, on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 28.01.2025, seeking bail in Crime No.3 of 2025 registered for the offence under Section 74 (354 IPC), 75 (354-A IPC) of BNS and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2022.



2.The case of the prosecution is that the petitioner and the de facto complainant were working as Physical Education Teachers in a same school, on 26.01.2025 the petitioner misbehaved with the de facto complainant and committed sexual assault on her.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that owing to a wordy quarrel between the petitioner and the de facto complainant a false complaint has been lodged against the petitioner belatedly and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that there is no previous case against the petitioner.

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

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, and since further custody is not required, this Court is inclined to grant bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Additional Mahila Magistrate Court at Egmore, Chennai** and on further conditions that:

[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 [(2005)AIR SCW 5560]***;

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

13.02.2025

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SUNDER MOHAN, J.

sai

To

1.The Presiding Officer,
Additional Mahila Magistrate Court at Egmore,
Chennai

2.The Inspector of Police
W-18, All Women Police Station (M.K.B.Nagar)
Chennai.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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