



CRL O.P. No.3430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3430 of 2025

Latha W/o. Ezhlumalai Petitioner / Accused-2

Vs

State rep. by:-

The Inspector Of Police,
Mathur Police Station,
Krishnagiri District. ... Respondent
[Cr. No.369 of 2024]

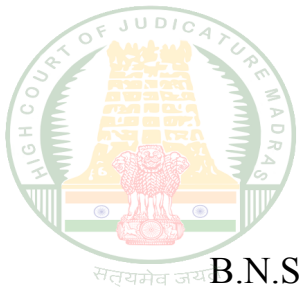
PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.369 of 2024 on the file of the respondent police.

For Petitioner : Mr. Thirumalaivasan Pachiyappan

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Section 87 of



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B.N.S. in connection with the case in Crime No.369 of 2024, seeks

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anticipatory bail.

2. The case of the prosecution is that A1 had a love affair with the victim and he had taken the victim to the house of the petitioner.

3. Learned counsel for the petitioner would contend that the petitioner has not committed any offence as alleged by the prosecution; that the victim had not implicated the petitioner in any manner; that A1 was granted bail by this Court by an order dated 09.01.2025; that since the petitioner was not aware of the age of the victim and since the petitioner has not committed any offence, she is entitled to anticipatory bail and in any case, custodial interrogation is not required and hence prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that the co-accused was granted bail by this Court; that the only allegation against the petitioner is that A1 and the



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victim stayed in her house for two days.

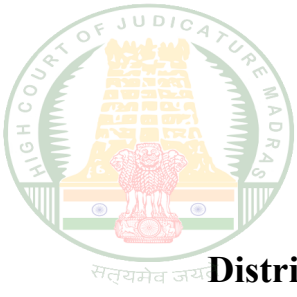
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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

7. This Court perused the statement of victim recorded under Section 164 of Cr.P.C. On perusal of the statement, it is seen that there is no allegation that A1 had committed penetrative sexual assault and the petitioner had permitted A1 and the victim to stay in her house. In such circumstances, custodial interrogation of the petitioner is not required.

8. Considering the nature of allegations and the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. 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



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District Munsif-cum-Judicial Magistrate, Pochampalli on condition that the petitioners 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:

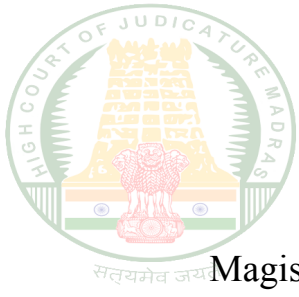
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

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

[e] On breach of any of the aforesaid conditions, the learned



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

17.02.2025

mjs

SUNDER MOHAN. J.,

mjs

To

1. The District Munsif-cum-Judicial Magistrate, Pochampalli.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Mathur Police Station, Krishnagiri District.

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