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CRL O.P. No.3686 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3686 of 2025

R. Rajendran S/o. Rengasamy

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Jayakondam All Women Police Station,
Jayakondam.

... Respondent

[Cr. No.4 of 2025]

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.4 of 2025 on the file of the respondent police.

For Petitioner : Mr. Kalidass.R.

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 Sections 11(1), 11(4) read with 12 of Protection of Child from Sexual Offences in

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connection with the case in Crime No.4 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is the brother of the victim's grand father; that on 02.01.2025, 05.01.2025 and 10.01.2025, the petitioner had exposed his private part to the victim and hence, complaint was lodged on 10.01.2025 for the aforesaid offence.

3. Learned counsel for the petitioner would contend that there is a property dispute between the petitioner and his brother's son namely the defacto complainant; that he had lodged a complaint against the defacto complainant on 18.12.2024 for the offences under Sections 329(4), 296(b), 118(1) and 351(3) of B.N.S. alleging that the defacto complainant attacked the petitioner with iron rod; that the petitioner had also sustained injuries and he was admitted in the hospital. The learned counsel further submitted that the instant complaint has been lodged only to neutralise the complaint given by the petitioner and therefore, considering the nature of allegations, sought for anticipatory bail.

4. The learned Government Advocate (Criminal Side), reiterated



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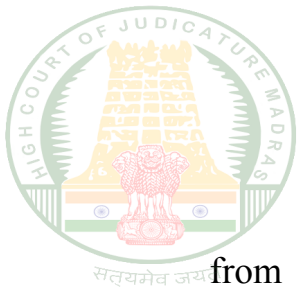
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the prosecution case and produced the copy of statement of the victim recorded under Section 164 of Cr.P.C. and also admitted that on the complaint of the petitioner, there is a case in Cr. No.343 of 2024 registered against the defacto complainant.

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. The petitioner and the defacto complainant are closely related to each other. The FIR in Cr. No.343 of 2024 would reveal that on account of previous enmity between the parties and the petitioner was attacked by the defacto complainant earlier. In any case, considering the 164 Cr.P.C. statement of the victim, the nature of allegations and the age of the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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



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from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Jayakondam, Ariyalur District** 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:

[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.



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

20.02.2025

mjs

To

- 1.The Judicial Magistrate Court, Jayakondam, Ariyalur District
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Jayakondam All Women Police Station, Jayakondam.

SUNDER MOHAN. J.,

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