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Crl.O.P.No.4013 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4013 of 2025

Mohammed Ismail

...Petitioner/A1

Vs.

The State Rep. by
The Inspector of Police,
W-29, All Women Police Station,
Avadi, Thiruvallur District.
(Crime No.03 of 2025)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.03 of 2025 on the file of the respondent police.

For Petitioner : Mr.C.Arivazhagan

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 Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.03 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 petitioner is a Doctor and the defacto complainant is his patient; that in the guise of administering an injection, the petitioner had misbehaved with the defacto complainant and touched the hip and other parts of the body. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; that the petitioner was doing his professional duty and in any case, considering the nature of allegations, custodial interrogation is not required; that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and vehemently opposed



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to grant of anticipatory bail to the petitioner

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

6. Taking into consideration the facts and circumstances of the case, considering the relationship between the petitioner and the defacto complainant, and since it is for the prosecution to establish the allegations and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.1, Poonamallee**, 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 said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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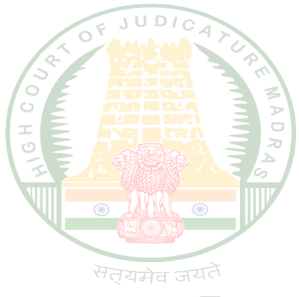
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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

- [b] the petitioner shall report before the respondent Police, twice a week i.e., on Monday and Thursday 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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.02.2025

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
W-29, All Women Police Station,
Avadi, Thiruvallur District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The Judicial Magistrate No.I,
Poonamallee.

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