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Crl.O.P.No.7427 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.7427 of 2025

1. John Vimal
S/o. Paul Mohan

2. Sathya @ Sathyanarayanamoorthy
S/o. Maduraimuthu

3. Jeeva @ Jeevarathinam
S/o. Devan

....Petitioners

Vs

The State Rep. by
The Inspector of Police,
H-1, Ooteri Police Station,
Tambaram.
(Crime No.106/2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest **in Crime No.106 of 2025**, pending on the file of the respondent police.



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For Petitioners
For Intervener
For Respondent

: Mr.Ruthiramurthy
: Mr.T. Muruganantham
: Mr. S. Balaji
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 115(2), 76, 351(3) of BNS, 2023 and Section 4 of the Prohibition of Harassment of Women Act, 2002, in Crime No.106 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant borrowed a sum of Rs.51,00,000/- for the purpose of business development from the first accused; that the *de facto* complainant in all repaid a sum of Rs.64,40,000/- and that in order to extort more money, the first accused had demanded higher rate of interest; that the first accused went to the *de facto* complainant's office on 09.01.2024 along with the present petitioners and the other accused and abused her in filthy language, damaged the articles in the office and forced her to remove her dress and thereafter, took pictures in his mobile phone and harassed her continuously and thus committed the aforesaid offence.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that the *de facto* complainant had cheated several persons and several complaints are pending against her; that the petitioners had also lodged a complaint against the *de facto* complainant and others and the said case was registered as Calender Case No.2150 of 2024 and a non bailable warrant was also issued against the *de facto* complainant and the others; that the instant complaint is only to counter the said complaint; that the petitioners are ready to furnish sufficient sureties and also to abide by any conditions that may be imposed by this Court and sought of anticipatory bail to the petitioners.

4. The learned counsel for the *de facto* complainant, however, vehemently opposed the grant of anticipatory bail stating that the allegations are true and that the petitioners threatened the *de facto* complainant continuously by using the pictures.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and confirmed that fact that there are other complaints of cheating pending against the *de facto*



complainant; that the petitioners had lodged a private complaint before the learned Magistrate on 23.07.2024 and that the alleged occurrence took place on 09.01.2024.

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6. Considering, the submissions made by the learned counsels on either side, the aforesaid facts and circumstances and the fact that the complaint has been filed seven months after the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Additional Mahila Judge, Chengalpattu**, on condition that each of 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 condition that:



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[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.

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter as and when required.

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

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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

01.04.2025

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To

1. The Additional Mahila Judge, Chengalpattu
2. The Inspector of Police,
H-1, Ooteri Police Station,
Tambaram.
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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