



Crl.OP.No.7311 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7311 of 2025

P.Kakkan Selvakumar ... Petitioner /Accused
Vs.

The State rep. by
The Inspector of Police,
Thammampatty Police Station,
Salem District. ... Respondent/ Complainant
Crime No.44 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of their arrest in Crime No.44 of 2025 on the file of the respondent police.

For petitioner : Mr.S.Satheeshkumar

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 324(4), 296(b), 127(2), 351(2) and 303(2) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.44 of



2025 seeks anticipatory bail.

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2. The case of the prosecution is that on account of prior enmity, the petitioner along with the other accused attacked the defacto complainant and abused her in filthy language.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that no injuries were sustained by the defacto complainant; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case; and that there are previous cases against the petitioner and he is on bail in those cases.

5. Considering the nature of allegations, the fact that no injuries were sustained by the defacto complainant, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is



inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. 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 on which the order copy is made ready, before the **Judicial Magistrate-II, Attur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

[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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

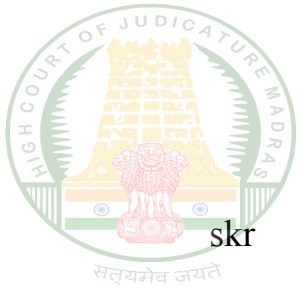
[d] the petitioner shall not abscond either during investigation or trial.

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

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No



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- To
1. The Inspector of Police,
Thammampatty Police Station,
Salem District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Judicial Magistrate-II, Attur



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SUNDER MOHAN, J.

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