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Crl.O.P.No.7610 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.7610 of 2025

N. Harishkumar
S/o. Narayanappa

....Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
HUDCO Police Station,
Krishnagiri District
(Crime No.50 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest by the respondent police concerned in Crime
No.50 of 2025 on the file of the respondent police.

For Petitioner	: Mr. J. Pradeep
For De facto Complainant	: Mr. A. Balamurugan
For Respondent	: Mr. S.Balaji
	Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 351(2) of BNS,2023 (Sections 294(b), 323, 506) r/w Section 4 of the TNPHW Act, 2002 and Sections 5(1)(a), 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956, in Crime No.50 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the *de facto* complainant had consensual relationship; that the *de facto* complainant, at the instance of the petitioner, indulged in immoral activities; that after the *de facto* complainant was arrested in a case, she stopped the immoral activities; and that the petitioner even thereafter, has been harassing the *de facto* complainant to indulge in such activities and thus committed the aforesaid offence.

3. The learned counsel appearing for the petitioner would submit that the allegations against the petitioner are false; that the petitioner, to show his bonafide, has also filed an affidavit stating that he



would not indulge in such activities and that if he indulges in such activities, the bail may be cancelled and prayed for anticipatory bail for the petitioner.

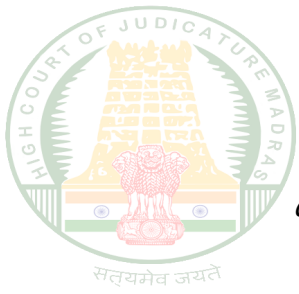
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4. The learned counsel appearing for the *de facto* complainant vehemently opposed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the the investigation is pending.

6. The affidavit filed by the petitioner reads as follows:

"4. I submit that I sincerely assure this Hon'ble Court that I shall refrain from making any contact, whether physical, verbal, electronic, or otherwise, with the de facto complainant, and I shall not visit her residence, workplace, or any location where she may be present, nor shall I communicate with her through any person, social media, or



any other means.

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...
8. *I submit that I fully understand that any violation of the above undertakings may result in the cancellation of bail and may attract stringent legal consequences as per the orders of this Hon'ble Court."*

7. Considering, the nature of allegations against the petitioner, the aforesaid facts and the affidavit filed by the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. It is needless to say that if the petitioner violates any of the terms of the affidavit, the *de facto* complainant is at liberty to move for cancellation of bail.

8. 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 made ready, before **the learned Judicial Magistrate No.II, Hosur, Krishnagiri 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 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 report before the respondent police daily 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with



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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 of B.N.S.

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To

1. The Judicial Magistrate No.II, Hosur, Krishnagiri District.
2. The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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