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CRL O.P. No.7606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.7606 of 2025

D. Selvakumar S/o. Dhanapal ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Perambur Police Station,
Mayiladuthurai District. ... Respondent
[Cr. No.25 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.25 of 2025 on the file of the respondent police.

For Petitioner : Mr. Vijayaragavan Marimuthu

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offence punishable under Sections 75(2), 296(b), 115(2) and 351(2) of B.N.S. and Section 4 of Tamil Nadu Women Harassment Act in connection with the case in Crime No.25 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant along with her husband, came to the petitioner's home and complained that the petitioner's son touched her inappropriately during the Pongal festival, the petitioner along with other co-accused persons, abused the defacto complainant in filthy language, assaulted her and threatened her of dire consequences.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner, his younger son and his wife were also injured during the occurrence, thereby, a counter complaint has been lodged; that A1, son of the petitioner, was arrested; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing

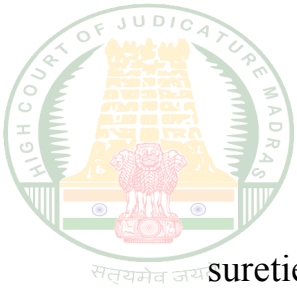


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for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the injured has been discharged from the hospital; and that the petitioner has no bad antecedents.

5. Considering the nature of overt act attributed to the petitioner, the fact that the allegations are against the main accused A1, who was arrested, the injured has been discharged from the hospital, the petitioner has no bad antecedents and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Tharangambadi, Mayiladuthurai District** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two



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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;

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



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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]; and

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

24.03.2025

mjs

To

- 1.The District Munsif-cum-Judicial Magistrate, Tharangambadi, Mayiladuthurai District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Perambur Police Station, Mayiladuthurai District.

SUNDER MOHAN. J.,

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