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Crl.O.P. No.7728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

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THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.7728 of 2025
and Crl.M.P.No.9439 of 2025

Abdul Munaf Ahamed Munas

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
W.11, High Court All Women Police Station,
High Court, Chennai District.
(Crime No.02 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.02 of 2025, on the file of the respondent police.

For Petitioner : Mr. S. Sathish Kumar

For Intervener : M/s. D. Vijaya
(for Mr. S. Senthil Kumar)

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 79 and 351(2) of BNS and Section 4 of Women Harassment Act in Crime No.02 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant got acquaintance with the petitioner through social media and loved each other; that the parents of the petitioner also known about their love and accepted the same; that on the promise of marriage, the petitioner had sexually assaulted her and sent photographs of the defacto complainant from her phone to his phone without the knowledge of the defacto complainant and further hacked her phone; and that thereafter, the petitioner refused to marry her and threatened the defacto complainant. Hence, this case.

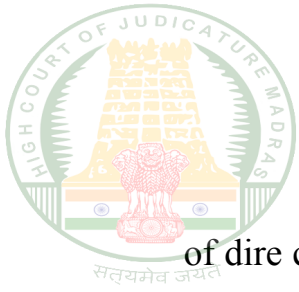
3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he had never committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant loved each



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other and their relationship turned bitter, hence a false complaint has been lodged against the petitioner. He further submitted that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener/ defacto complainant raised strong objection and opposed for grant of anticipatory bail to the petitioner by stating that the petitioner got acquaintance with the defacto complainant through social media and continuously sent messages and proposed his love; that at a later point of time, the defacto complainant also accepted the love of the petitioner; that thereafter, the petitioner met the defacto complainant alone in her home and on false assurance of marrying her, sexually assaulted her. She further submitted that the petitioner being a Computer graduate, hacked the defacto complainant's phone and social media account and taken away her personal photos; that thereafter, the petitioner threatened her that he will upload her morphed photographs in social media and forced her to have sexual intercourse with him; that while the same was refused by the defacto complainant, the petitioner abused and threatened her



of dire consequences.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that this Court vide order dated 02.04.2025, directed the parties to appear before the Mediation, however, there was no amicable settlement arrived between the parties; that thereafter, this Court vide order dated 03.06.2025, directed the parties to hand over the materials in support of their contentions including the electronic evidence to the respondent for investigation; that thereby, the petitioner had handed over his mobile phone and laptop to the respondent police, but the defacto complainant had refused to hand over her phone to the respondent; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

6. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side 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.



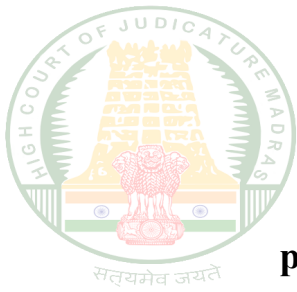
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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Metropolitan Magistrate Court-III, George Town, Chennai** on condition that the petitioner shall execute a separate 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stands automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent



police as and when required for interrogation;

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[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];



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[i] If the accused thereafter absconds, a fresh FIR can
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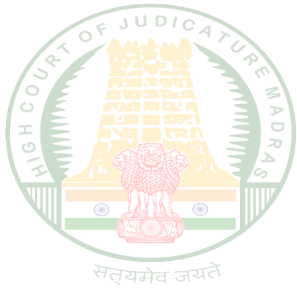
8. Accordingly, this criminal original petition and connected
criminal miscellaneous petition is ordered.

19.06.2025

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To

1. The III Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
W.11, High Court All Women Police Station,
High Court, Chennai District.
(Crime No.02 of 2025)
3. The Public Prosecutor, High Court of Madras.



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M. NIRMAL KUMAR, J.

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