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Crl.O.P.No.9977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 9977 of 2025

Sarath Kumar

Petitioner(s)

Vs

The State Represented by,
The Inspector Of Police,
Nemili Police Station,
Ranipet District.
(Crime No.137 of 2025)

Respondent(s)

For Petitioner(s): Mr.D.Dayalan

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.137 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 in Crime No.137 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to alleged illegal intimacy of the petitioner with another woman, there was a dispute between the petitioner and the defacto complainant; that on 23.03.2025, at about 5.00 hrs, the petitioner came in an inebriated condition assaulted with knife and caused injuries to the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; 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 on instructions submitted that the injured has been discharged from the hospital and that the petitioner has some previous cases.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.



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6. Considering the nature of allegations, the fact that the injured has been discharged from the hospital, relationship between the parties 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.

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 **Judicial Magistrate No.II, Arakkonam** 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] 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 stay at Trichy and report



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before the Cantonment Police Station, 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 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 of B.N.S.

drl

03-04-2025

To

1. The Inspector Of Police,
Nemili Police Station,
Ranipet District.
2. The Judicial Magistrate No.II,
Arakkonam

SUNDER MOHAN J.



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