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Crl.O.P.No.9923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.9923 of 2025

1.Revathi

2.Harishkumar

...Petitioners/Accused 3 & 4

Vs.

State rep by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

(Crime No.86 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.86 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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



CrI.O.P.No.9923 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent police, seeking anticipatory bail in Crime No.86 of 2025 registered for the offence under Sections 296(b), 115(2), 118(1), 351(3) of BNS r/w Sections 7 and 8 of POCSO Act.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours; that on 23.03.2025, there was a wordy quarrel and physical altercation between the defacto complainant's family and the petitioners' family; that the first accused, who is the son of the first petitioner herein, inappropriately touched the breast of the one of the victims and attacked the other victims and that the petitioners abused the defacto complainant and others in filthy language and thus committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that the allegations are false; that the first accused was arrested and released on bail; and that the only allegation against the petitioners is that they have



abused the defacto complainant and his family members in filthy language.

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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and also produced a copy of the FIR and the statement of the victim recorded under Section 183(5) BNSS.

5. This Court had perused the statement of the victim girl recorded under Section 183(5) BNSS. The allegation is that the first accused had committed sexual assault on the victim. The only allegation against the petitioners is that they abused the defacto complainant in filthy language. Considering the aforesaid facts, the fact that the first accused was arrested and released on bail, this Court is of the view that custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial**



Crl.O.P.No.9923 of 2025

Magistrate No.II, Namakkal, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 said Magistrate, on further condition that:

[a] 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



CrI.O.P.No.9923 of 2025

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 B.N.S.

28.04.2025

rkp

Copy to:

- 1.The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
- 2.The Judicial Magistrate No.II, Namakkal.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.9923 of 2025

SUNDER MOHAN, J.

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Crl.O.P.No.9923 of 2025

28.04.2025