



Crl.OP.No.9939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9939 of 2025

Walter Philipps J

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
W8, All Women Police Station,
Thirumangalam,
Anna Nagar District, Chennai.
(Crime No.11 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.11 of 2025 on the file of the respondent Police.

For Petitioner : M/s.C.Arun Kumar

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

For Defacto complainant : Mr.Gowtham

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 79 of BNS, 2023 and



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Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.11 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife; that there are matrimonial differences between them; that there is also a dispute regarding the custody of their six year old daughter; that the petitioner had engaged a private detective to spy on the defacto complainant; and that while the said person was taking photographs of the defacto complainant and her daughter, he was caught red handed.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and in any case, the allegations do not warrant custodial interrogation. He further submitted that the petitioner has filed an affidavit, undertaking not to repeat such acts in future and expressing regret for his earlier actions.



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4. The learned counsel appearing for the defacto complainant vehemently opposed the grant of anticipatory bail and submitted that the custodial interrogation of the petitioner is required.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

6. It is seen from the FIR that the petitioner has engaged a private detective to spy on the defacto complainant.

7. The petitioner has filed an affidavit which reads as follows:

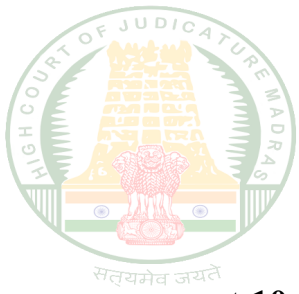
- *I will abide by any conditions imposed by this Honourable Court.*
- *My family or I will not engage any third parties or any other person to follow either my wife or my daughter at any point of time.*
- *I will not address any messages in any form i.e., in mail, whats-app or through any other electronic mode either to my wife or to her consels defaming them.*
- *I sincerely regret and apologize for what had happened earlier.*



WEB COPY 8. Considering the aforesaid facts and an affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 is made ready, before the **Additional Mahila Court [Magistrate Level] Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 compliance with the above conditions or in the event of breach of the undertaking affidavit filed by the petitioner, 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.



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[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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

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Index : Yes / No

Internet : Yes / No

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- To
- 1.The Inspector of Police,
W8, All Women Police Station,
Thirumangalam,
Anna Nagar District, Chennai.
 - 2.The Additional Mahila Court [Magistrate Level]
Egmore, Chennai
 - 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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