



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10278 of 2025

and

Crl.M.P.No.7642 of 2025

1.Arun Pandiyan
2.Pannerselvam

.. Petitioners (A1 & A2)

Vs.

The State Rep. by
The Inspector of Police,
Peerankaranai Police Station,
Peerankaranai District,
Tambaram City.
(Crime No.208 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of their arrest in Crime No.208 of 2025 on the file of the respondent
police.

For Petitioners : Mr.Durai Arun

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 85, 77, 79 and 361(3) of BNS and 67, 67(A) of Information Technology Act in Crime No.208 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner had married the de facto complainant in the year 2020 and they had two children. There has been some matrimonial discard and the family Court proceedings are pending before Sub Court, Kovilpatti. The complaint now is that the first petitioner had taken some photographs of the de facto complainant and shared the same with his brother-in-law, one Mr.Arun Machan at Canada, which was forwarded to the de facto complainant. Hence, the complaint has been lodged.

3. From the typed set filed by the learned counsel appearing for the defacto complainant/intervenor it is seen that, there has been some whatsapp conversation with the said Arun Machan, what is the contact details, what



are the other details are not known and it is now seen that the accused had deleted those 8 messages and improper photographs of the defacto complainant depicting her in a bad taste.

4. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

5. Learned Government Advocate (Crl.Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioners reiterated the prosecution case.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.



7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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8. 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 on which the order copy made ready, before **the learned Judicial Magistrate Court No.I, Tambaram, Chengalpattu District** on condition that the petitioners shall execute a 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand 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,



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2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the first petitioner shall report before the respondent police for a period of three weeks and thereafter as and when required for interrogation; The first petitioner shall also come forward to hand over his mobile phone for forensic examination.

[d] the second petitioner shall report before the respondent Police for a period of two weeks and thereafter as and when required for interrogation;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[g] the petitioners 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;

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

[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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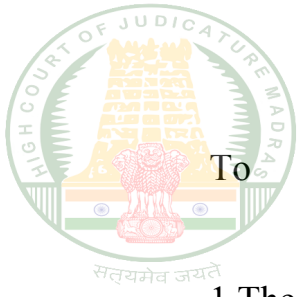


action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

18.07.2025

cda



To

1.The Judicial Magistrate No.II,
Peerankaranai.

2.The Inspector of Police,
Peerankaranai Police Station,
Peerankaranai District,
Tambaram City.

3.The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR, J.

cda/sma

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