

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **07.04.2025**

CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 10210 of 2025

Thangaraj

Petitioner

Vs

The State Rep by,
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
(Crime No.403 of 2024)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 403 of 2024 pending
on the file of the respondent police.

For petitioner	:	M/s.Narayana Prasadh
For Respondent	:	Mr.S.Balaji
		Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 189(2),
296(b), 115(2), 118(1), 329 and 138 of the BNS in Crime No.403 of
2024, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant pursuant to a love affair, married the daughter of the sixth accused in a temple; and that since the petitioner along with the other accused, who were known to the sixth accused, were aggrieved with the said marriage, had abducted the defacto complainant's wife and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that the allegations are false; that the co-accused/A1-A8 was arrested and released on bail; the petitioner has no bad antecedents 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 submitted that the de facto complainant's wife was secured.

5. Considering the nature of the allegations, the fact that the de facto complainant's wife was secured, the petitioner has no bad antecedents, and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 a copy of this order, before **the Judicial Magistrate No.II, Udumalpet** on condition that the petitioner 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 said Magistrate, 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 report before the respondent police 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.

07.04.2025

vca

To:

1. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
2. The Judicial Magistrate No.II,
Udumalpet.
3. The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J.

vca

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