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CrI.O.P.No.10939 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.10939 of 2025

D.Prasanth

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Pagandai Kootu Salai Police Station,
Vanapuram Taluk, Kallakurichi District.
(Crime No.71 of 2025)

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.71 of 2025 pending on the file of the respondent.

For Petitioner	:	Mr.N.Kannan
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.03.2025, seeking bail in Crime No.71 of 2025 registered for the offence under Sections 296(b), 131, 351(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (TNPHW) Act, 1998.

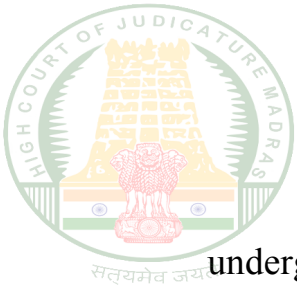


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2. The case of the prosecution is that on 13.03.2025, the defacto complainant went to attend her nature's call, the petitioner pulled her nighty and forcefully dragged her; that thereafter, the petitioner inappropriately touched her breast and assaulted her and thus committed the aforesaid offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and the allegations against the petitioner are false and that in any case, the petitioner was arrested and remanded to judicial custody on 15.03.2025 and further custody of the petitioner is not required and he prayed for bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner has abused the defacto complainant in filthy language and threatened with dire consequences; that the petitioner has inappropriately touched the defaco complainant's breast and that the investigation is pending, hence opposed the bail to the petitioner.



5. Considering the nature of allegation and the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Sankarapuram** and on further conditions 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;

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

[d] the petitioner 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



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 B.N.S.

15.04.2025

rkp
Copy to:

- 1.The Inspector of Police,
Pagandai Kootu Salai Police Station,
Vanapuram Taluk, Kallakurichi District.
- 2.The Judicial Magistrate,
Sankarapuram.
3. The Superintendent, Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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