



WEB COPY

CRL OP No. 11087 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 11087 of 2025

1. B.Assain

S/o.Basheer Old No.48, Othavadai
Street, Maduranthakam, Kancheepuram
- 603 306.

2. B.Musthapa

S/o. Basheer, Old No.48, Othavadai
Street, Maduranthakam, Kancheepuram
- 603 306.

3. B.Noorjakhan @ Chithra

W /o. Basheer, Old No.48, Othavadai
Street, Kancheepuram - 603 306.

4. S.Kumari

W /o. Sakthivel, No.53, New Police
Line, Maduranthakam, Kancheepuram -
603 306.

Petitioner(s)

Vs

1. The State Rep by, The Inspector of
Police,



G1 - Maduranthagam Police Station,
Chengalpet District - 603 306.

WEB COPY

Respondent(s)

PRAYER: To enlarge the Petitioners on Anticipatory Bail in Crime Number 115 of 2025 on the file of the Respondent Police pending investigation and thus render justice.

For Petitioner(s): Mr.G Sudangan

For Respondent(s): Mr.S.Balaji, GA (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS, 2023 read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.115 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant's daughter had an extramarital affair, due to which, there was quarrel between the accused and the defacto complainant, during which, the accused abused and assaulted the defacto complainant and thereby, she sustained injuries. Hence the case.



WEB COPY

3. Learned counsel appearing for the petitioners submitted that the 1st petitioner is the husband of the defacto complainant's daughter and the other petitioners are the relatives of the first petitioner. The petitioners submit that the defacto complainant's daughter had an extramarital affair, when the same was questioned by the first petitioner, defacto complainant picked up quarrel with the first petitioner and lodged a false complaint against the petitioners and in any case, the custodial interrogation of the petitioners are not required; and hence prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the injured has been discharged from the hospital; and that the petitioners have no bad antecedents.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of



allegations, submissions made by the learned counsel on either side, the fact that the injured has been discharged from the hospital and since, custodial interrogation is not required for the purpose of investigation, 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 on which the order copy made ready, before the learned **Judicial Magistrate Court No.1, Maduranthagam**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 first and second petitioners shall report before



WEB COPY



the respondent Police daily at 10.30 a.m., until further orders and the third and fourth petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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.

16-04-2025

jai

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes: Neutral Citation: Yes/No



WEB COPY

CRL OP No. 11087 of 2025





To
WEB COPY

1. The State Rep by, The Inspector of Police,
G1 - Maduranthagam Police Station,
Chengalpet District - 603 306.
2. The Judicial Magistrate Court No.1,
Maduranthagam.
3. The Government Advocate (Crl Side)
Madras High Court, Chennai.



WEB COPY

CRL OP No. 11087 of 2025



SUNDER MOHAN J.

jai

**CRL OP No. 11087 of
2025**

16-04-2025