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Crl O.P.No.11760 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 11760 of 2025

Kanna

Vs

Petitioner

The State Rep by,
The Inspector of Police,
E3, Sadras Police Station,
Chengalpattu.
(Crime No.346 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. 346 of 2024 pending
on the file of the respondent police.

For petitioner : Mr.John Josh S
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 Section 351(2) of the
BNS and Section 4 of the Tamill Nadu Prohibition of Harassment of
Women Act, in Crime No.346 of 2024, on the file of the respondent



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police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and the de facto complainant are husband and wife respectively; that the petitioner assaulted and threatened the de facto complainant.

3. The learned counsel for the petitioner submitted that the allegations are false; that a matrimonial case is pending and in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

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 on instructions submitted that there are matrimonial differences and the petitioner has no bad antecedents.



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5. Considering the aforesaid facts, the nature of allegations, there are matrimonial differences between the parties, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. 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 of receipt of a copy of this order, before **the Judicial Magistrate, Thirukazhukundram** 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.



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[b] the petitioner shall report before the respondent police everyday at 10:30a.m., until further orders.

[c] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To:

1. The Inspector of Police,
E3, Sadras Police Station,
Chengalpattu..
2. The Judicial Magistrate, Thirukazhukundram.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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