



WEB COPY



Crl.O.P.No.13079 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13079 of 2025

Moorthy K C

...Petitioner/Accused 3

Vs.

State rep by
The Sub Inspector of Police,
Kangayam Police Station,
Tiruppur District.

(Crime No.248 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.248 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.S.Suganthan

For Respondent : Mr.S.Balaji
Government Advocate (Crl. Side)



CrI.O.P.No.13079 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.248 of 2025 registered for the offence under Section 296(b), 115(2), 351(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that the first accused, who is the husband of the defacto complainant and the second accused, who is the brother of A1, had prevented the defacto complainant from entering into the matrimonial house; that they coerced her to leave the matrimonial house; and that the petitioner, who is the neighbour, abetted the other accused and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false; that he has been falsely implicated in the dispute between the husband and wife and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

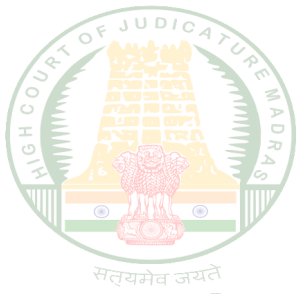


Crl.O.P.No.13079 of 2025

WEB COPY 4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the other accused have been arrested and further confirmed that the first accused is the husband of the defacto complainant and the petitioner is his neighbour.

5. Considering the nature of allegations against the petitioner, the fact that the allegations are primarily against first and second accused, 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 his appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **Judicial Magistrate Court, Kangayam**, 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, on further condition that:



CrI.O.P.No.13079 of 2025

[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.

28.04.2025

rkp



CrI.O.P.No.13079 of 2025

WEB COPY Copy to:

- 1.The Sub Inspector of Police,
Kangayam Police Station,
Tiruppur District.
- 2.The Judicial Magistrate Court, Kangayam.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.13079 of 2025

SUNDER MOHAN, J.

rkp

CrI.O.P.No.13079 of 2025

28.04.2025