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Crl.O.P.No.13766 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.13766 of 2025

D.Gokul

... Petitioner

-VS-

The State Represented by,
The Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Crime No.115 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the
event of his arrest in Crime No.115 of 2025 on the file of the Inspector of Police,
Hasthampatty Police Station, Salem District.

For Petitioner : Mr.A.P.Venkat Kannan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2) and 351(2) of BNS Act, 2023 and Section 4 of TNPWH Act, in Crime No.115 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and defacto complainant are husband and wife, they both got married on 12.06.2024 after that, due to misunderstanding, the defacto complainant was living along with her father for the past 4 months. Subsequently, she filed a divorce petition in O.P.No.912 of 2025 against the petitioner and the same is pending before the Learned Family Court, Salem. On 28.03.2025, when the defacto complainant, along with her father came out from the counselling centre of the Family Court, the petitioner attacked her and used filthy language against her. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner attacked the defacto complainant and used filthy language. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the *learned Additional Mahila Fastrack Court, Salem*, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal



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Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required;

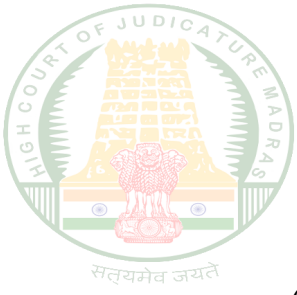
(d) the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall make himself available for interrogation by a Police office as and when required;

(f) the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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];



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(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The learned Additional Mahila Fastrack Court,
Salem.
- 2.The Inspector of Police,
Hasthampatty Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR,J

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