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Crl.O.P.No.13603 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13603 of 2025

Mukesh Babu

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Hosur Town Police Station
Krishnagiri District.
(Crime No.164 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.164 of 2025 pending investigation before the respondent Police station.

For Petitioner : Mr.C.V.Kumar

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.04.2025, seeking bail



in Crime No.164 of 2025 registered for the offences under Section 296 (b), 135, 115 (2), 324 (4) & 109 of BNS Act, 2023 and Section 4 of TNPHW Act, 2002.

2.It is the case of the prosecution that the defacto-complainant and the petitioner are studying in the same college; that without her consent the petitioner had taken photographs of defacto-complainant in his mobile phone and had physically assaulted her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for the grant of bail.

4.The Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and would submit that the petitioner and the defacto complainant were studying in the same college and they were friends; that without the consent of the defacto-complainant, the petitioner had taken photographs; and that he physically assaulted her. Hence, he opposed the grant of bail.



WEB COPY 5.Heard the learned counsels on either side and perused the materials available on record.

6.Considering the nature of allegations, the period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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 **learned Judicial Magistrate No.II, Hosur, Krishnagiri District**, 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;

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[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.

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To:-

- 1.The Inspector of Police,
Hosur Town Police Station
Krishnagiri District.
- 2.The Judicial Magistrate No.II, Hosur, Krishnagiri District.
- 3.Sub Jail, Hosur, Krishnagiri District.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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