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CrI.OP.No.15993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15993 of 2025

V.Selvaraji

... Petitioner/Accused

Vs

The State Rep By
The Inspector of Police
Vandavasi Police Station,
Thiruvannamalai District.
(Crime No.14 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.K.Nagarajan

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 351(2), 64(2)(m), 332(b) of the BNS Act, 2023 and under Section 4 of TNWH Act in Crime No.14 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Muthazhagan, the defacto complainant, filed a complaint alleging that his sister, Chinnammal, is a mentally restarted person, living alone in his house. According to the complainant, on 01.04.2025 between 11.00 to 12.00 hours, the petitioner allegedly broke open the door, touched Chinnammal's body without her consent, physically assaulted and abused her using filthy language, and threatened her with dire consequences. Hence, the case was registered against the petitioner.

3.The contention of the learned counsel for petitioner is that due to previous enmity, the defacto complainant has filed a false complaint against the petitioner; that the petitioner is innocent and he has been falsely implicated in this case. Hence, prayed for anticipatory bail to the petitioner.



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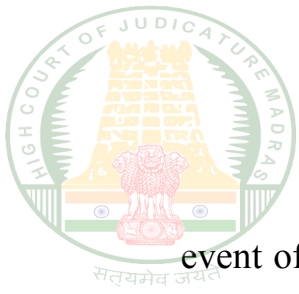
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4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the victim is aged 65 years who is mentally retarded person and her brother lodged a complaint stating that she was sexually abused by the petitioner. The Government Advocate produced the medical examination report of the victim which is contra to the complaint levelled against the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of the allegations and the medical examination report and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the



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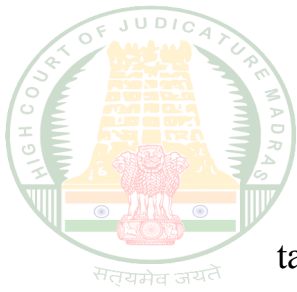
event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Court, Vandavasi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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, and on proof of payment of deposits, 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 Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] **the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;**

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not



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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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.

gbi

To:

1. The Inspector of Police
Vandavasi Police Station,
Thiruvannamalai District.
2. The Judicial Magistrate Court,
Vandavasi.
3. The Public Prosecutor,
High Court Madras.

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