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CrI.O.P.No.16357 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16357 of 2025

1.Ekambaram
2.Lakshmi

... Petitioners/A1 & A2

Vs

State Rep. by its,
Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram, Kanchipuram District.
(Crime No.227 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in the event of their arrest in Crime No.227 of 2025 on the file of the respondent.

For petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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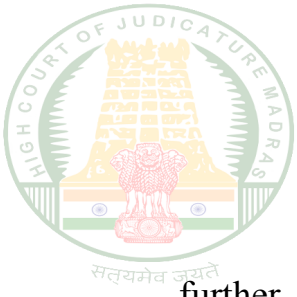
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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 351(2) of BNS, 2023 r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act (Sec.294(b), 323 and 506(i) of IPC) in Crime No.227 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner, a milk vendor by profession, who is residing opposite to the de-facto complainant, used to clean the milk cans in the street, which was questioned by the de-facto complainant for which, the 1st petitioner started abusing the de-facto complainant with unparliamentary words and threatened the de-facto complainant and his wife with dire consequences. Hence, the case.

3.The learned counsel for petitioner submitted that the petitioners are innocent persons and they have nothing to do with the alleged offence. He



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further submitted that a counter case was filed with regard to the same incident in Crime No.225 of 2025 against the de-facto complainant. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the petitioners and de-facto complainant are neighbours and a counter case is filed in Crime No.225 of 2025.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Kanchipuram, Kanchipuram District** on condition that the petitioners shall execute a separate 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:

[a] if the petitioners fail 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 the identify proofs to ensure their identity;



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

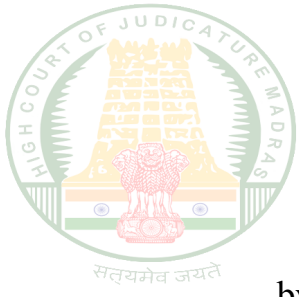
[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall make themselves available for interrogation by a Police officer as and when required;

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

[g] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down



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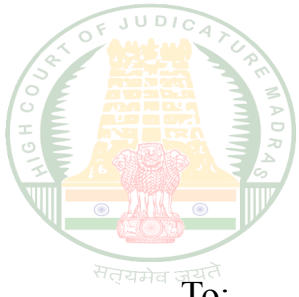
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by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560];

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

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To:
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1.The Judicial Magistrate No.II,
Kanchipuram, Kanchipuram District.

2.The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram District.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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