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CRL OP No. 16444 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16444 of 2025

1. Balaji

Petitioner(s)

Vs

The State rep by

The Inspector of Police

Manalurpet Police Station,

Kallakurichi District

(Crime No.158 /2025)

Respondent(s)

PRAYER: This Criminal Original Petition is filed to enlarge the petitioners on anticipatory bail in the event of his arrest in crime no.158/2025, on the file of the respondent police and thereby render justice.

For Petitioner(s): M/s.R.Poornima

For Respondent(s): Mr.R.Vinothraja Govt Advocate
(crl Side)



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 115(2), 351(3) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.158 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, a family friend of the defacto complainant, allegedly failed to return the money given by the defacto complainant, for which she had pledged her 4 1/2 sovereign gold jewels to purchase of TATA ACE vehicle. Furthermore, it is alleged that the petitioner physically abused the defacto complainant and threatened her over the phone. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. The alleged dispute arose when the petitioner refused to lend money to the defacto complainant, who then filed a false complainant. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police on instructions, opposes for grant of anticipatory bail to the petitioner alleging that the petitioner failed to repay the money given by the defacto complainant and physically abused and assaulted her.

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 submissions made by the learned counsel appearing on either sides, nature of the allegations 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 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, Thirukoilur 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 everyday at 10.30 a.m., for a period of two weeks;**

[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;



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[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.

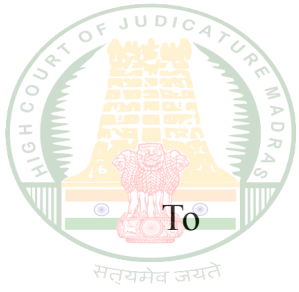
10-06-2025

Jai

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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To

1. The State rep by The Inspector of
Police
Manalurpet Police Station Kallakurichi
District (Crime No.158 /2025).

2. The Judicial Magistrate,
Thirukoilur.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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