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CRL OP No. 16975 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16975 of 2025

Prabu R
S/o.Not Known,
Gandhi Street, Su Papambadi Village
and Post, Thiruvannamalai Taluk
District, Tamil Nadu 606808.

Petitioner(s)

Vs

State rep. by
The Inspector of Police,
Guruparapalli Police Station,
Krishnagiri District.
Crime No.Not Known of 2025

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant Anticipatory Bail to the petitioner in
the event of his arrest in Crime.No.Not Known of 2025, on the file of the
respondent police and thus pass such other orders in the interest of justice and
thus render justice.



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For Petitioner(s): Mr.N.Narayanaswamy

For Respondent(s): Mr.V. Meganathan
Government Advocate (crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 143 of BNS Act 2023 in Crime No.Not known, on the file of the respondent Police, seeks anticipatory bail.

2. Pursuant to the order dated 19.06.2025 passed by this Court, today i.e., on 04.07.2025, the learned Government Advocate appearing for the respondent Police has produced a copy of the F.I.R., registered in Crime No.175 of 2025 and would submit that the complaint of one Perumal was received and FIR was registered on 27.05.2025 for women missing.

3. The learned Government Advocate further submitted that in the complaint Perumal stated that his elder son namely Rajkumar served in the Indian Military Service as Army Officer and he had married one Jothika and



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they got two children. The said Rajkumar died while in service and thereafter with full respect, the final rites of late Rajkumar was performed along with late Rajkumar's wife and her children. However, on 26.05.2025, the late Rajkumar's wife namely Jothiya had found missing with her children. It is also submitted that the petitioner had come to the de-facto complainant's house to hand over all the belongings of late Rajkumar and his monetary benefits. Further, he submits that the de-facto complainant suspects that his daughter in law viz., Jothika might have developed some relationship and eloped with the petitioner.

4. The learned counsel for the petitioner would submit that a false allegation has been made against the petitioner. Further, he submitted that there is some dispute between the de-facto complainant and the wife of late Rajkumar viz., Jothika and due to the harassment of her father-in-law, she left the home. Therefore, he submitted that the petitioner has been unnecessarily blamed. Hence, he seeks anticipatory bail to the petitioner.

5. The learned Government Advocate appearing for the respondent Police



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submits that the tower location confirms that the petitioner and the wife of late Rajkumar were together. It is also submitted that after collecting the tower location, when the police reaches the place, the police found them.

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

7. Considering the submissions made by the learned counsel on either side, this Court is of the view that both the petitioner and the wife of late Rajkumar, namely, Jothika are major and they have every right to have their own way of life and, under these circumstances, it is seen that there is no forcible obstruction.

8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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, No.I,**

Krishnagiri 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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] **the petitioner shall report before the respondent Police for a period of two weeks and thereafter as and when required;**

[d] the petitioner shall not abscond either during



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investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

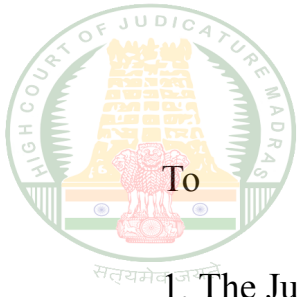
[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Judicial Magistrate, No.I, Krishnagiri.

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2. The Inspector of Police,
Guruparapalli Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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