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CRL OP No. 18538 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 18538 of 2025

Hariesh

Petitioner(s)

Vs

State rep. by
Inspector of Police, E-2,
Thirukazhukundram Police Station,
Chengalpattu. Cr.No.216 of 2025

Respondent(s)

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest pending investigation in E-2 Sadras P.S. Cr.No.216 of 2025 on the file of the respondent.

For Petitioner(s): Mr.U.Yuvaraj

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



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), 118(1), 74 & 351(3) of BNS & Section 4 of TNPHW Act 2002, in Crime No.216 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 02.06.2025, at about 21.00 hrs, near Anna Street, Thimmoor Village, the petitioner along with one Purushothaman abused the defacto complainant in filthy language and pulled her saree forcibly and assaulted her by using brick and threatened her with dire consequences and ran away from the place of occurrence. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. 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 that the

petitioner has no bad antecedents.

5. Considering the nature of allegations, the fact that the petitioner has no bad antecedents and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned District Munsif Cum Judicial Magistrate, Thirukkazhukundram, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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] the petitioner and 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 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 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 BNS.

14-07-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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- 1.State rep. by
Inspector of Police, E-2,
Thirukazhukundram Police Station,
Chengalpattu. Cr.No.216 of 2025
- 2.The District Munsif Cum Judicial
Magistrate, Thirukkazhukundram.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN J.

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