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Crl.O.P.No.19080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19080 of 2025

Ahmathkhan

... Petitioners

Vs.

The State represented by,

The Inspector of Police,

Chengam Police Station

Tiruvannamalai District. (Crime No.120 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.120 of 2025 on the file of respondent Police.

For Petitioner : M/s.S.Elvin Niha

For Respondent : Mr.Leonard Arul Joseph Selvam

Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 296(b), 75(1)(ii), 75(2), 78(1)(i), 78(2), 118(1), 351(3) of BNS, in Crime No.120 of 2025, on the file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with other accused abused the defacto complainant in filthy language, assaulted her, sexually harassed her and also threatened her with dire consequences. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and due to previous enmity, he has been falsely implicated in this case. He further submitted that the petitioner and the defacto complainant are belongs to same village. He further submitted that the petitioner has also lodged a complaint against the defacto complainant in Crime No.122 of 2025 for the offence under Sections 75(1)(i) r/w 75(2), 296(b), 115(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Hence, he prays for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner. He also submitted that it is a case and case in counter and that the injured has been discharged from the hospital.

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

6. Considering the submission made by the learned counsel appearing on both sides and the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.



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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, Chengam, Tiruvannamalai District**, on condition that 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;**



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[d] the petitioner shall not abscond either during investigation or trial and they shall make themselves 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, Chengam.
2. The Inspector of Police,
Chengam Police Station
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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