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Crl.O.P.No.19558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.07.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19558 of 2025

Stephen George Fukhangmin

... Petitioner/Accused

Vs

State of Tamil Nadu

Rep by the Inspector of Police,

AWPS North (Kongu Nagar),

Tiruppur District.

(Crime No.32 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.32 of 2025 on the file of the respondent police.

For petitioner : Mr.Deepan Uday

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 75(1)(I), 75(1)(ii) of BNS, 2023 (354-A of IPC) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.32 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Dentist, to whom, the de-facto complainant came for treatment. At that time, the petitioner misbehaved with the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is a Dentist by profession.

The victim in this case admits that she had been visiting the Dental clinic for the past 11 ½ years. She was visiting the Dental clinic 15 days once to align and tighten the clip. On 15.06.2025, she went to the petitioner's Dental clinic to remove the braces, at that time the petitioner made improper touch on 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 on either side, it is seen that the de-facto complainant went to the petitioner's Dental clinic to remove braces. At that time, the petitioner is said to have made improper touch on her. Further, there was a dispute with regard to the payment of treatment fee.



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The petitioner had demanded Rs.5,000/- and the de-facto complainant only paid Rs.2,000/- and promised to pay Rs.3,000/- later. The petitioner had been treating the de-facto complainant for quite some time and suddenly on the day of demanding fees the alleged occurrence is said to have taken place, which causes some concerns. In view of the same, 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 **Additional Mahila Court, Tiruppur** 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:



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[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 as and when required for interrogation;

[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;

[e] the petitioner shall make himself available for interrogation by the respondent 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;



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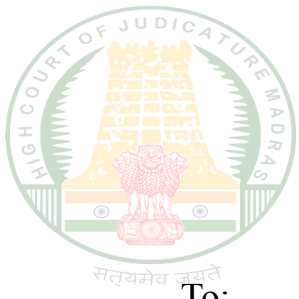
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[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by 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.

15.07.2025

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To:
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- 1.The Inspector of Police,
AWPS North (Kongu Nagar),
Tiruppur District.
- 2.The Additional Mahila Court,
Tiruppur.
- 3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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