



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19925 of 2025

Zahir Hussain

.. Petitioner

Vs.

State of Tamil Nadu Rep. by
The Inspector of Police,
R-10 M.G.R.Nagar Police Station,
T.Nagar, Chennai District.
(Crime No.190 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on Anticipatory
Bail in the event of his arrest by the respondent police concerned in
Cr.No.190 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Prabu

For Respondent : 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 alleged offences punishable under Section 4 of TN Prohibition of Harassment of Women Act, r/w 351(2) of BNS in Crime No.190 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was a vice president of Brindhavan Towers Owners Welfare Association and she had given a complaint dated 06.06.2025 that the petitioner, who was elected as a Secretary to the Association ha made frequent phone calls to her in late hours and surveillance her movements and also harassed her, due to which, defcto complainant got frustrated, due to which, she took sleeping tablets. Hence, the case.

3. Learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready and willing to abide



by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner reiterated the prosecution case.

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 facts and circumstances of the case, 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 Metropolitan Magistrate No.23, Saidapet, Chennai**, 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 for a period of two weeks and thereafter as and when required for interrogation;

[d] 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;



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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.

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M.NIRMAL KUMAR, J.

cda/sma

To

- 1.The Metropolitan Magistrate No.23,
Saidapet, Chennai.
- 2.The Inspector of Police,
R-10 M.G.R.Nagar Police Station,
T.Nagar, Chennai District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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