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Crl.O.P.No.20933 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20933 of 2025

1.Mr.E.Kamalakaran
2.Mrs.Vijayalakshmi

.. Petitioners/A1 & A2

Vs.

The State Rep by,
The Inspector of Police,
B-1 Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No.222 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail, in the event of their arrest by the respondent police in Crime No.222 of 2025 pending investigation on the file of the Inspector of Police, B-1 Thiruvallur Town Police Station, Thiruvallur District.

For Petitioners : M/s.Antipas Moses

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



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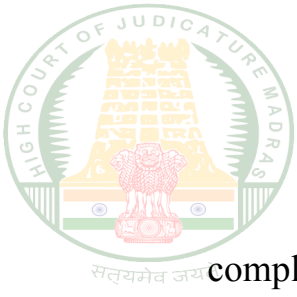
ORDER

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The petitioners were apprehend arrest at the hands of the respondent police for the alleged offences punishable under 296(b), 115(2), 351(3) of BNS and under Section 4 of TNPHW in Crime No.222 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.20,000/- from the petitioners. The allegation is that the 1st petitioner quarrelled with the defacto complainant to return the amount that he had loaned to her. It is further alleged that the petitioners abused the defacto complainant and her daughter in filthy language. Due to which, the defacto complainant had attempted suicide. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent person, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Based on the



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complaint lodged by the petitioners, there is a counter case registered by the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

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

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Mahila Court, Thiruvallur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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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 petitioners 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 petitioners shall report before the respondent Police for a period of two weeks and thereafter, as and when required for further interrogation;

[d] the petitioners 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;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;



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[f] the petitioners 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 petitioners 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 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];

[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

To

- 1.The Additional Mahila Court, Thiruvallur.
- 2.The Inspector of Police,
B-1 Thiruvallur Town Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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