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Crl.OP.No.26491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.26491 of 2025

1. Mahendran
2. Malarvizhi

... Petitioners

Vs.

The Inspector of Police,
All Women Police Station, Tharamani
Chennai City.
(Cr.No.Not Known of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioners on bail in the event of his arrest in Crime No.Not Known of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.Karuppaiya Mooppanar
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 296(b), 118(1) and 351(3) of BNS and Section 4 of TNPHWA Act in Crime No.Not Known of 2025, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that these petitioners are husband and wife and neighbours of the defacto complainant. Already, the defacto complainant and the second petitioner were having enmity and hence, the defacto complainant advised the victim girl, not to enter into the house of the petitioners herein. However, the victim girl after Vinayaga Chadhurthi, went to the house of the petitioners herein, at that time, the first petitioner has crushed the breast of the victim girl. It was seen by the another neighbour, but she does not report it any other persons and thereafter through the neighbour it was reported to the second petitioner herein and the second petitioner threatened the victim girl that she is having CC.Tv footage of the occurrence and not to disclose this matter to other accused. Hence, victim informed the occurrence to her mother and case is registered.

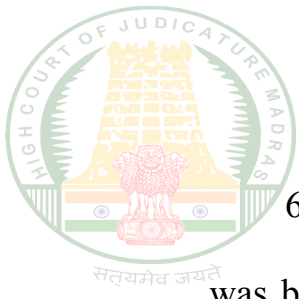


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3. The learned counsel appearing for the petitioners submitted that already previous enmity between the parties and hence, a false complaint lodged with the help of the victim girl who is aged about 17 years. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and reported that the case was registered on 03.09.2025 for the offences under Section 7, 8, 16,17 of POCSO Act, 2012 and 351(ii) of BNS . He further reported that investigation is still pending. He further reported that the statement of the victim girl has been recorded before the learned Magistrate under Section 183 of BNSS. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the statement of the victim girl has been recorded before the learned Magistrate under Section 183 of BNSS.



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6. Considering the nature of allegations and also the fact that complaint was belatedly after some days and also motive has been attributed to both sides for commission of offence and the allegation levelled is not in the nature of penetrative sexual assault, I am of the view that the custodial interrogation of the petitioners in this regard is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions. .

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **IV Metropolitan Magistrate Court, Saidapet, Chennai** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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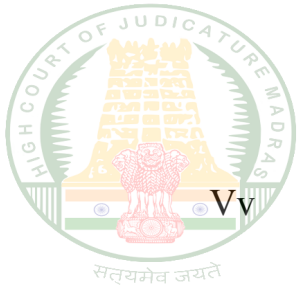
(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

25.09.2025



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Vv

To

1. The IV Metropolitan Magistrate Court,
Saidapet, Chennai
2. The Inspector of Police,
All Women Police Station, Tharamani
Chennai City.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

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