



Crl.O.P.No.31587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.31587 of 2024

Sundara Boopathy Raja

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
North Police Station,
Tiruppur District.
(Crime No.1858 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant anticipatory bail to the petitioners/accused in the event of his arrest in crime number 1858/2024 pending investigation before the respondent police.

For Petitioner : M/s Jayasree

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.1858 of 2024 registered for the offences punishable under Sections 296(b), 118(1), 353(3) of BNS, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the defacto complainant Saranya is that she was married to her maternal uncle, one Senthil Kumar in the year 2016 and he had passed away in the year 2017. Subsequently, she had entered into a relationship with A1 and they got married. Thereafter, A1 harassed her and thereby, they got separated and she also gave a complaint. While so, on 09.12.2024, when she was on the way to her office, A1 along with other accused way laid the defacto complainant, thereby threatened and intimidated her. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is only a friend of A1/the husband of the defacto complainant and even as per the FIR, the allegation is that he had driven the motor cycle and abused the defacto complainant.



4. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police is that the petitioner is the friend of the husband of the defacto complainant. The accused way laid the defacto complainant, thereby threatened and abused her. He further submits that the petitioner has two previous cases pending against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate I at Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 said Magistrate, 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



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automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

03.01.2025

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To

1. The Sub Inspector of Police,
North Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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