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CrI.O.P.No.27078 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.10.2025**

CORAM:

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CrI.O.P.No.27078 of 2025

1.Vinayagam
2.Deepa

... Petitioners

Versus

State rep. by,
The Inspector of Police,
AWPS- Vellore Police Station,
Vellore Distict.
(Crime No.39 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita,(BNSS), 2023, to enlarge the petitioners on bail in the event of their arrest by the respondent Police in Crime.No.39 of 2025 pending on the file of the respondent.

For Petitioners : Mr. D. Thirumoorthy

For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(4), 351(2) and 69 of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.39 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant and the first accused, who is the son of the first petitioner and brother of the second petitioner, fell in love. The first accused/A1 got acquainted with the defacto complainant through Facebook, and on the false assurance of marrying her, had sexual intercourse with her. Thereafter, he cheated her by attempting to marry some other girl. It is further alleged that when the defacto complainant informed the same to the petitioners, they abused and assaulted the defacto complainant. Hence, this case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated



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in this case; that the petitioners have no bad antecedents and never committed any offence as alleged by the prosecution; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertakes to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the defacto complainant is a major, aged about 27 years, and that the main accused/A1 cheated her by giving false assurance of marriage. When the defacto complainant brought the same to the knowledge of the petitioners, who are the father and sister of the main accused, they had allegedly abused and assaulted her. It was further submitted that the petitioners have no previous cases and that the investigation is still pending.

5. Taking note of the facts and circumstances of the case, the



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nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the main accused, who is the son and brother of the petitioners, is alleged to have cheated the defacto complainant, and that custodial interrogation of the petitioners is not required for the purpose of investigation, 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 Judicial Magistrate Additional Mahila, Vellore**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- each (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:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the First petitioner shall report before the respondent police everyday at 10:30 A.M., for a period of one week and thereafter, as and when required for interrogation. The Second petitioner/Deepa shall report before the respondent police as and when required for interrogation;

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

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

[e] 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 were 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.



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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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To

- 1.The learned Judicial Magistrate Additional Mahila, Vellore.
- 2.The Inspector of Police,
AWPS- Vellore Police Station, Vellore Distict.
(Crime No.39 fo 2025)
- 3.The Public Prosecutor, High Court of Madras, Chennai – 104.



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N.SENTHILKUMAR, J.

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