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Crl.O.P.No.27315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.10.2025**

CORAM:

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.27315 of 2025

Vijabalan @ Vijayabalan

... Petitioner

Versus

The State, Rep. by,
Inspector of Police,
Mailam Police Station,
Villupuram District.
(Crime No.356 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.356 of 2025 pending on the file of the respondent police.

For Petitioner : Mr. M. Machavatharan

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



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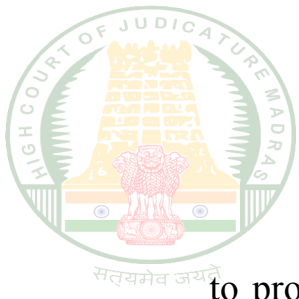
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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(3), 318(4) of Bharatiya Nyaya Sanhita (BNS) 2023 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in connection with the case in Crime No.356 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had a relationship with the petitioner, during which the petitioner received a sum of Rs.5 Lakhs and 10 sovereigns of gold jewels from the defacto complainant and thereafter cheated her. When the defacto complainant demanded the money and jewels, the petitioner abused her and assaulted her, causing injury. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has no connection with the offence as alleged by the prosecution; and that the petitioner is ready



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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 petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner is the accused/A1, who had received a sum of Rs.5 Lakhs and 10 Sovereigns of gold from the defacto complainant. When the defacto complainant demanded to return the same, the petitioner allegedly abused and assaulted her. He also submitted that the petitioner has no previous cases and the investigation is still pending.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsel on either side, the fact that the petitioner has no previous cases pending against him and since custodial interrogation of the



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petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate – II , Tindvanam**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the respondent Police daily at 10:30 A.M., until further orders;**



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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner was 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 petitioner thereafter absconds, 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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N.SENTHILKUMAR, J.

klt

To

- 1.The Judicial Magistrate – II Court, Tindvanam.
- 2.The Inspector of Police,
Mailam Police Station, Villupuram District.
(Crime No.356 of 2025)
- 3.The Public Prosecutor, High Court of Madras, Chennai – 104.

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