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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.31765 of 2025

M.V.Bibin Mahesh

... Petitioner

Vs.

State Rep. By.

The Inspector of Police,

M-6 Puzhal, All Women Police Station,

Chennai – 600 006.

(Crime No.28 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in Crime No.28 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.R.Varadharajan

For Respondent : Mr.Udayakumar,
Government Advocate (Crl.Side).

ORDER

The petitioner herein apprehends arrest at the hands of the respondent for the offence punishable under Section 78, 79, 296(b) of BNS Act, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 67 of Information Technology Act, 2000, in Crime No.28 of 2025, registered on the file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner, who is a practising Advocate, had allegedly sent abusive and unparliamentary messages to the defacto complainant through WhatsApp. Hence, the present case has been registered.

3. The learned counsel for the petitioner submitted that no such abusive messages were ever sent by the petitioner and that the complaint has been lodged solely on account of previous enmity. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is continuously indulging in such activities and wordy assault which are even explicitly mentioned, if he would continue to indulge in such threat upon the defacto complainant and her family members, the defacto complainant is a young lawyer professionalist, hence, he strongly opposed the grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. I have also gone through the materials, I am of the view that, for conducting investigation of this nature, custodial interrogation of the petitioner is not required. It is also stated that the messages were sent through Whatsapp and the same is available with the victim. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 Court, Madhavaram, Chennai - 600060**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order



shall stand automatically cancelled;

[b] the sureties shall affix his 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 the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.11.2025

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To

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1. The Inspector of Police,
M-6 Puzhal, All Women Police Station,
Chennai – 600 006.

2. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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