



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 33489 of 2025

Elumalai

Petitioner(s)

Vs

The State rep.by, The Inspector of Police,
West Police Station, Tiruvannamalai District.
Cr.No.258 of 2025.

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in the
event of his arrest in Cr.No.258 of 2025 pending investigation on the file of
respondent police.

For Petitioner(s): M/S.R Thirumoorthy

For Respondent(s): J.R.Archana
Government Advocate (Crl. Side)



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 75(1), 351(2) of BNS Act, 2023 and under Section 4 of the Prohibition of Harassment of Women Act 2002, in Crime No.258 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner is the neighbor of the defacto complainant and, taking advantage of her loneliness, attempted to molest her and also demanded sexual favour. However, the defacto complainant refused and quarrel with him; hence, he has also threatened her with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case, and that there was a quarrel arose between the petitioner and the defacto complainant's family members. The petitioner herein has also been assaulted by the defacto complainant's family members, and in this regard, he has also lodged a complaint after sustaining injuries, and the case was registered in Crime No.261 of 2025 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that there are two previous cases pending against the petitioner. He further submits that investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by learned counsels on either side and considering the fact that there was a counter case registered in Crime No.261 of 2025, investigation in this case is pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner are 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-2, Tiruvannamalai, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty 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 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 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 two 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.

08-12-2025

gbi



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To

- 1.The State rep.by, The Inspector of Police,
West Police Station, Tiruvannamalai
District. Cr.No.258 of 2025.
- 2.The Judicial Magistrate-2,
Tiruvannamalai.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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