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CRL OP No. 35668 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35668 of 2025

1. Wajid Basha
2. Rafeeq Basha

Petitioner(s)

Vs

1. The State Rep.by its, The Inspector
of Police,
W2, All Women Police Station,
Triplicane, Chennai - 600 014.
Cr.No.13 of 2025.

Respondent(s)

PRAYER

To enlarge the petitioners on bail in the event of arrest or surrender concerned in Crime No. 13 of 2025 on the file of the Respondent Police.

For Petitioner(s): Mr. Vishnu Vardhan .J
For Ms. P. Divya

For Respondent(s): Mr. S. Udaya Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners / Accused-2 and 3, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 85 and 75 of BNS Act, 2023 in connection with the case in Crime No.13 of 2025, seek



anticipatory bail.

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2. The case of the prosecution is that there exists a matrimonial dispute between the petitioners and the defacto complainant; that the petitioners gave sexual torture to the defacto complainant.

3. Learned counsel for the petitioners would contend that the petitioners are innocent; that there exists a family dispute among the petitioners, the defacto complainant and A1; that they have been falsely implicated in this case and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there exists a matrimonial dispute between the petitioners and the defacto complainant, the petitioners harassed and caused cruelty, however no previous cases are pending against the petitioners, and investigation is pending and the offences are grave in nature, hence, prayed to dismiss the petition.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations, the relationship and the matrimonial dispute between the parties; no previous cases are pending against



the petitioners and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 of receipt of a copy of this order, before the learned **Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai – 08** on condition that the petitioners 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 conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of thirty days;**

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

30-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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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.



To

1. The State Rep. by its, The Inspector of
Police,
W2, All Women Police Station,
Triplicane, Chennai - 600 014.
Cr.No.13 of 2025.

2. The Public Prosecutor, Madras High
Court, Chennai.

3. The Metropolitan Magistrate,
Additional Mahila Court, Egmore,
Chennai – 08.



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P.DHANABAL J.

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