



CRL OP(MD). No.9415 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9415 of 2025

1.Francis,
S/o.Alphonse

2.Robin @ Robinson Raj,
S/o.Thangaraj

... Petitioners/ A1 & A3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No.31 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.P.Sonu,
Advocate

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

<https://www.mhc.tn.gov.in/juds> PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



CRL OP(MD). No.9415 of 2025

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PRAYER :-

For Anticipatory Bail in Crime No.31 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 66E, 67, 67A of IT Act r/w. Section 4 of TNPHW Act in Crime No.31 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st accused is running a quarry. The 1st accused and the de-facto complainant are relatives. The 3rd accused is employed in the said quarry. The de-facto complainant joined the quarry as an accountant. Alleging irregularities in the accounts, A1 contacted the de-facto complainant and under the pretext of rectifying the same, he invited her to his guest house, where he offered a cool drink. After consuming it, she became unconscious. Thereafter, A1 had physical intercourse with her. When she regained consciousness and questioned him about the incident, A1 threatened her with dire consequences, and A3 also threatened her with dire consequences and sent her video recordings related to the incident. Hence, the case.



CRL OP(MD). No.9415 of 2025

WEB COPY

3. The learned counsel for the petitioners submitted that this is the second Anticipatory Bail application before this Court. The petitioners are innocent persons and have not committed any offence as alleged by the prosecution. The de-facto complainant, as an Accountant in the A1's quarry, committed financial irregularities, thereby misappropriated a substantial sum of money. Upon discovering the misappropriation, A1 lodged a complaint before the Marthandam Police Station. He further submitted that A2 has been granted anticipatory bail on 10.01.2025 by the learned Principal Sessions Judge, Kanyakumari at Nagercoil, in Crl.M.P.No.28 of 2025.

4. The learned Government Advocate (Criminal Side) submitted that there are totally three accused persons in this case and the petitioners have been arrayed as A1 and A3. A2 has been granted anticipatory bail by the Principal Sessions Judge, Kanyakumari at Nagercoil. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and considering the specific overt act against the 1st petitioner/A1, this Court is not inclined to grant anticipatory bail to the 1st petitioner. However, considering the limited overt act against the 2nd petitioner/A3, this Court is inclined to grant anticipatory bail to the 2nd petitioner, subject to certain conditions.



CRL OP(MD). No.9415 of 2025

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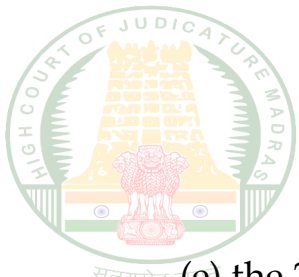
6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kuzhithurai on condition that the 2nd petitioner shall execute 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai and on further conditions that:

(a) the 2nd 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 2nd petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.1, Kuzhithurai. In the event of any change in his residential address, the 2nd petitioner shall report the same to the learned Judicial Magistrate No.1, Kuzhithurai;

(c) the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.9415 of 2025

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(e) the 2nd petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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) AIR SCW 5560]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

7. Accordingly, this Criminal Original Petition is dismissed as against the 1st petitioner and allowed as against the 2nd petitioner.

sd/-
11/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO

1.THE JUDICIAL MAGISTRATE NO.1,
KUZHITHURAI.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT @ NAGERCOIL.



CRL OP(MD). No.9415 of 2025

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SONU, Advocate (SR-6260[I] dated 12/06/2025)

ORDER
IN

CRL OP(MD) No.9415 of 2025
Date :11/06/2025

HPS/26.06.2025 /6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023