

CRL OP(MD). No.9388 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 09/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9388 of 2025

Mahendravaradhan

... Petitioner/Sole Accused

Vs

1.The Inspector of Police,
Banjarahills Police Station,
Hyderabad,
Telungana State.
(Crime No.469 of 2025)

2.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District,
Tamil Nadu.

... Respondents/Complainants

**For Petitioner : Mr.K.Mahendran,
Advocate**

**For R2 : Mr.Thanga Aravindh.B,
Government Advocate (Crl.Side)**

PRAYER :- Criminal Original Petition is filed under Section 482 of BNSS seeking to release the petitioner on transit bail in the event of his arrest by the respondents police in connection with Crime No.469 of 2025 on the file of the 1st respondent



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police so as to enable the petitioner to approach and seeking pre-arrest bail from the concerned Court pending investigation with such terms and conditions imposed by this Court.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 64(1), 308(2) and 351(2) of BNS in Crime No.469 of 2025 on the file of the first respondent police, seeks interim anticipatory bail.

2. The petitioner, who had been accused of non-bailable offences committed beyond the territorial jurisdiction limit of the State of Tamil Nadu, has approached this Court for anticipatory bail, so as to enable him to approach appropriate Court.

3. The case of the prosecution is that the petitioner/accused had contacted the de-facto complainant/victim woman through Facebook and introduced himself as a student of Osmania University College. On 15.08.2023, when the de-facto complainant came to Hyderabad, the petitioner/accused asked her to meet him for a coffee and later he invited the de-facto complainant to his house for lunch. At that time, the de-facto complainant was drugged and the petitioner physically assaulted her and also extorted money from her. Hence, the case.

4. The learned counsel for the petitioner submits that the petitioner has not



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committed any offence as alleged by the prosecution, and when the petitioner was studying in Osmania Medical College, Hyderabad, both the petitioner and the de-facto complainant came to know each other through Facebook. Subsequently, at the instance of the de-facto complainant, their relationship became a consensual one. Thereafter, since the petitioner, considering his future, refused to continue the relationship with the de-facto complainant, he received repeated phone calls from the de-facto complainant urging him to resume the relationship. Thereafter, the petitioner, with the assistance of one Ajay and Rupa, decided to resolve the matter. Subsequently, when the petitioner was coerced to pay an additional amount to resolve the matter, Rupa threatened the petitioner, stating that, with the assistance of the de-facto complainant, she would lodge a false complaint alleging that the petitioner had received a sum of Rs.20,00,000/- from the de-facto complainant. She further demanded an additional amount of Rs.1,00,00,000/- from the petitioner to refrain from initiating such false proceedings and to stop the act of blackmail.

5. He also submits that according to the prosecution's case, the alleged occurrence took place on 15.08.2023. However, nearly two years after the said date, the de-facto complainant has come up with a false complaint. Hence, it clearly shows that the complaint filed by the de-facto complainant is merely an attempt to

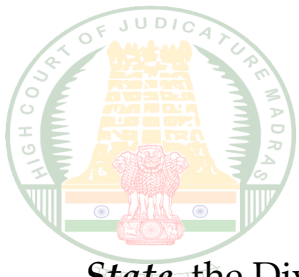


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coerce the petitioner into continuing the illegal relationship with her and to extort money from him. He also submits that the petitioner has neither blackmailed the de-facto complainant nor demanded any amount from her, as alleged by the prosecution. Hence, he seeks interim anticipatory bail for the petitioner to enable him to approach the appropriate Court and seek regular anticipatory bail. He further submits that this Court, in similar circumstances, granted interim anticipatory bail to the accused to enable him to seek appropriate bail orders from the concerned Court.

6. Heard the learned Government Advocate (Criminal Side) appearing for the 2nd respondent.

7. The issue as to whether, in respect of the persons, who have been accused of a non-bailable offence, committed beyond the territorial jurisdiction of the State of Tamil Nadu, and if his arrest is sought within the jurisdiction of this Court, irrespective of the fact that he is a resident of the place over which this Court can grant anticipatory bail under Section 482 of BNSS, came up for consideration before a Division Bench of this Court in the case of *S.P.Shanthi Swaroop v. State of Tamil Nadu, rep. By Asst. Commissioner of Police, Central Crime Branch, Madras* reported in 1992 *L.W.(Crl.)* 475. After elaborate discussion, decisions and considering the ratio laid down by the Patna High Court in *Syed Safrul Hassan v.*



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State, the Division Bench has passed the following order :

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“For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 Cr.P.C. To grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court can grant anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioner available for interrogation by the concerned police in the meantime. The reference is answered accordingly.”

8. Thereafter, a learned Single Judge of this Court in the case of ***P.Thangavelu and others v. State, rep. By the Inspector of Police and other*** reported in 2017 (2) MWN (Cr.) 633 has passed the following order :

“9.Thus, it is seen that though in the State of Uttar Pradesh, the provisions of Section 438, Cr.P.C., enabling grant of Anticipatory bail has been deleted, still the Courts have power to grant Inter-State Anticipatory Bail, more particularly taking into account the provisions under Article 21 of the Constitution of India. In the light of the above Judgments and discussions, this Court is of the view that Inter-State Anticipatory Bail can be granted to the petitioner for a limited period to enable them seek appropriate Bail Orders from the concerned Court.



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10. Accordingly, *Interim Anticipatory Bail* is granted to the petitioner herein till 01.08.2016. The petitioners are directed to be enlarged on Bail in the event of their arrest or on their appearance before the Judicial Magistrate concerned, subject to the following conditions:

(i) Each petitioner shall execute a Personal Bond for a sum of Rs.10,000- (Rupees ten thousand only) with two sureties, to the satisfaction of the Respondent-Police or the Police Officer, who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) within the said period, ie., before 01.08.2016, the petitioner shall appear before the concerned Court of Jurisdiction and move for Anticipatory Bail before the said Court.

11. This Court makes it very clear that *Inerim Anticipatory Bail* pertaining to Inter-State disputes cannot be sought as a matter of right and it is purely the discretion of the Court in granting the same, considering the facts, circumstances and also the nature of offences. It is also made clear that this order, on being produced, shall be punctually observed and executed by all concerned."

9. In view of the decisions cited supra, this Court is inclined to grant interim anticipatory bail to the petitioner for a period of four weeks. Accordingly, interim anticipatory bail is granted to the petitioner for a period of 4 weeks. The petitioner is directed to be enlarged on bail in the event of arrest or on his appearance before the respondent police and on further conditions that :



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(i) the petitioner shall execute a Personal 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 respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate Court at Thiruvaiyar, Thanjavur District;

(ii) within the said period, i.e, before 07.07.2025, the petitioner shall file an appropriate application before the concerned jurisdictional Court for pre-arrest/anticipatory bail.

sd/-
09/06/2025

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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 COURT AT THIRUVAIYAR,
THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT,



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3 THE INSPECTOR OF POLICE,
BANJARAHILLS POLICE STATION,
HYDERABAD,
TELANGANA STATE.

4 THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT,
TAMIL NADU.

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

+1. CC to K.MAHENDRAN Advocate SR.No.6124 (I) DT.10/06/2025

ORDER
IN

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Date :09/06/2025

NM/13.06.2025 8P/7C

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