



CRL OP(MD). No.11097 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11097 of 2025

1.Harikaran,
S/o.Aruljothi

2.Vishnu,
S/o.Manikandan

... Petitioners/ A3 & A4

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Sempatti Police Station,
Dindigul.
(Crime No.176 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.S.Palani Kumar,
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



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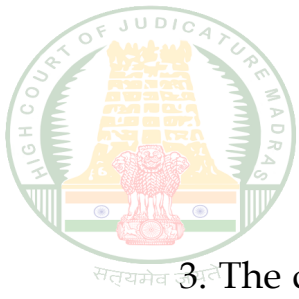
PRAYER :-

For Anticipatory Bail in Crime No.176 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(1), 77, 296(b) and 351(2) of BNS, 2023 r/w. Section 4 of TNPHW Act, 2002 r/w. Section 66E of IT Act in Crime No.176 of 2025 on the file of the respondent police, seek anticipatory bail.

2. When the matter was taken up for hearing, the learned counsel for the petitioners submitted that the 2nd petitioner/A4 has been arrested and is remanded to judicial custody. Therefore, nothing survives in the present petition to be adjudicated with regard to the 2nd petitioner. Hence, he seeks permission of this Court to not press the present petition insofar as the 2nd petitioner is concerned and has also made an endorsement in the bundle to that effect. Accordingly, recording the submission of the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed, insofar as the 2nd petitioner is concerned.



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3. The case of the prosecution is that the de-facto complainant is the President of the Okkaligar (Kaapu) Mahajana Sangam (Pacharivaar Community President). On 23.05.2025, the de-facto complainant, along with his family members, visited the Arulmigu Vellaimalaiveerumaramman Temple located in Vannampatti, Sempatti Taluk, to attend the temple festival. At around 11.00 p.m., while the women were bathing in a nearby bathroom close to the temple, the accused allegedly recorded a video of them bathing. When that was questioned, the accused threatened them and attempted to flee from the spot. However, they managed to apprehend the 1st accused. Hence, the present case.

4. The learned counsel for the petitioners submitted that the 1st petitioner is an innocent person, and has not committed any offence as alleged by the prosecution. He further submitted that the 1st petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the 1st petitioner.

5. The learned Government Advocate (Criminal Side) submitted that the petitioners have been arrayed as A3 and A4 in this case. The 2nd petitioner/ A4 was arrested and remanded to judicial custody, and A5 has been granted anticipatory



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bail on 10.06.2025 by the learned Principal Sessions Judge, Dindigul in Crl.M.P. No.170 of 2025, and A2 was arrested and subsequently released on bail on 17.06.2025 by the same Court in Crl.M.P.No.1089 of 2025. He further submitted that the properties have already been recovered, and there is no specific overt act against the 1st petitioner. However, he opposed to grant anticipatory bail to the 1st petitioner.

6. Considering the facts and circumstances of the case, and taking note of the fact that one of the co-accused was arrested and subsequently released on bail, and one of the co-accused has been granted anticipatory bail, and that the entire properties have already been recovered, and that there is no specific overt act against the 1st petitioner, this Court is inclined to grant anticipatory bail to the 1st petitioner, subject to certain conditions.

7. Accordingly, the 1st 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 District Munsif cum Judicial Magistrate, Aathoor, Dindigul District on condition that the 1st 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned District



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Munsif cum Judicial Magistrate, Aathoor, Dindigul District and on further
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conditions that:

(a) the 1st 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 1st petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Aathoor, Dindigul District. In the event of any change in his residential address, the 1st petitioner shall report the same to the learned District Munsif cum Judicial Magistrate, Aathoor, Dindigul District;

(c) the 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on



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bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble
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Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused/1st petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. Accordingly, this Criminal Original Petition is allowed as against the 1st petitioner and dismissed as not pressed as against the 2nd petitioner.

sd/-
01/07/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn
TO

1.The District Munsif cum Judicial Magistrate
Court, Aathoor, Dindigul District.

2. Do Through The Chief Judicial Magistrate,
Dindigul District.

3.The Sub Inspector of Police,
Sempatti Police Station,
Dindigul.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.11097 of 2025
Date :01/07/2025

HPS/14.07.2025 /7P/5C

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