



CRL OP(MD). No.18535 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.10.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD)No.18535 of 2025

1. N.Shanmugathai @ Shunmugathai

2. K.Lavanya

... Petitioners/Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.469 of 2025)

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.469 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, later altered in to Sections 296(b), 115(2) and 351(3) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Section 11(1) r/w. 12 of Protection of Children from Sexual Offence Act, 2012, in Crime No.469 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, on 05.09.2025, at about 9.30 a.m., the defacto complainant's daughter, who had gone to take bath, came out shouting that A-1 had seen her while she was bathing and had made obscene gestures towards her. Upon hearing the same, the defacto complainant, along with her relatives, questioned the act of A-1. At that



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time, the accused persons are said to have attacked the defacto complainant and her relatives. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the defacto complainant's daughter, who had gone to take bath, came out shouting that A-1 had seen her while she was bathing and had made obscene gestures towards her and that due to a wordy quarrel in this regard, the accused persons attacked the defacto complainant.

5. Taking into consideration of the facts and circumstances of the case and also considering the fact that the statement recorded under Section 164 of Cr.P.C., does not implicate the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge Special Court for POCSO Act, Srivilliputhur, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each 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 Magistrate concerned 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 as and when required for investigation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(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 petitioner 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]*; and;

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

(S S Y J)
25.10.2025

jbr



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S.SRIMATHY,J.

jbr

To

1. The Sessions Judge Special Court for POCSO Act,
Srivilliputhur, Virudhunagar District.
2. The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

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Date : 25.10.2025