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CRL OP No. 2919 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 2919 of 2026

M.Visu

..Petitioner(s)

Vs

The State Rep by
Sub-Inspector of police,
W35,,All Women police Station,
Koyambedu
(Cr.No.21 of 2025).

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime Number 21 of 2025 on the file of the W35,All Women Police Station,koyambedu,and thus render justice.

For Petitioner(s): M/s.P.Prakash Paul
For Intervenor: Mr.S.Manikandan

For Respondent(s): Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.01.2026, for the offences punishable under Section 85 of BNS and 67A of the IT Act, in Crime No.21 of 2025, registered on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner is the husband of the defacto complainant in this case and the marriage between them was taken place in the year 2005 and subsequently, they lived for some period and in the year 2019, they had strained relationship and A1 had developed illicit relationship with A2, subsequently on the advice of the family members, the defacto complainant joined with A1 in the year 2021 and they were lived together for some time and the petitioner deserted the defacto complainant and started living with A2. Hence, she has raised objection and A1 has chosen to file a divorce petition to dissolve the marriage, which was also dismissed. The defacto complainant has also filed a maintenance case and in the mean time, the petitioner herein joined with A2 sent nude photographs and also morphed photographs of the victim and her child to the defacto complainant. Hence, the case.



3.The learned counsel for the petitioner submitted that the petitioner has not sent any photographs and admittedly both A1 and the defacto complainant was separated and A1 was living with A2 from the year 2021 onwards and matrimonial proceedings were also initiated and it is a false accusation that the petitioner sent photographs and the petitioner is in judicial custody from 04.01.2026 and prays for the grant of bail to the petitioner.

4.The learned counsel for the Intervenor submitted that after 2019, the petitioner joined with A2 and started harassing the victim in this case. Hence, she has objected severely and in the year 2021, they were joined together and even thereafter A1 has continued his illicit relationship with A2. When the defacto complainant objected, A1 has stabbed himself and lodged a false complaint as if the defacto complaint has stabbed him the same was also enquired and subsequently closed. Further, the A1 has also initiated divorce proceedings in the year 2021 and the defacto complainant has also initiated a maintenance case and the same was also allowed the petitioner was also directed to pay the maintenance to the defacto complainant and his two children, and the same was also not complied with. Hence, he opposed for the grant of bail to the petitioner.

5.The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and submitted that the petitioner has been arrested and he is in judicial custody from 04.01.2026 and A2 was already



granted bail by this Court. He further submitted that the investigation in this case is pending. Hence, he opposed for the grant of bail to the petitioner.

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6.I have also gone through the materials and other connected records and there are several conversation between the petitioner and the defacto complainant along with A2 and considering the fact that they have already initiated matrimonial proceedings and the petitioner is in judicial custody from 04.01.2026 and further custody of the petitioner is not necessary, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Additional Mahila Court, Egmore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent police daily at 10:30 a.m., for a period of two weeks and thereafter as and when required for interrogation;**

[c] On breach of any of the aforementioned conditions,



the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the 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)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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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 the official website of this Court will be watermarked and will also have a QR code.

To

The State Rep by

Sub-Inspector of police,

W35,,All Women police Station,

Koyambedu

(Cr.No.21 of 2025).

2.The Additional Mahila Court, Egmore.

3.The Central Prison “PUZHAL”

4.The Public Prosecutor, High Court of Madras.



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K.RAJASEKAR, J.

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