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CRL OP No. 3651 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 3651 of 2026

Niraj D Jain

..Petitioner

Vs

State Rep.by, The Inspector of Police,
P-2, Otteri Police Station,
Chennai District. (Crime No.33 of 2026)

..Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, pleaded to enlarge the Petitioner on bail in the event of his arrest by the Respondent Police in Crime No.33 of 2026 on the file of the Respondent police.

For Petitioner : Mr. D. Bennington

For Respondent : M/s. J.R. Archana,
Government Advocate (Crl.side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS) 2023, Section 75 of the Juvenile Justice (Care and Protection of Children) (JJ) Act, 2015, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act,



(TNPWH) 1998, in Crime No.33 of 2026, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that due to a wordy quarrel between the petitioner and the defacto complainant, the petitioner abused the victim child with dire consequences. Hence, the present complaint has been registered against the petitioner .

3. The learned counsel for the petitioner submitted that the defacto complainant is a friend of petitioner's wife and that the petitioner is living separately due to matrimonial disputes. When the petitioner attempted to speak with his son, the defacto complainant did not permit him. Due to sudden provocation, the petitioner scolded, and it was not an intentional abuse. He also submitted that without proper investigation, the case has been registered against the petitioner. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reported that due to matrimonial disputes, the petitioner living separately and used to meet his son at the School where he is studying. The defacto complainant being friend of the petitioner's wife, did not allow him to speak with his son. During the quarrel, the petitioner allegedly abused the victim child. It was also submitted that the petitioner has no previous criminal



antecedents and that the investigation is going on. Therefore, he opposed to grant anticipatory bail to the petitioner .

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5. Considering the above facts and circumstances of the case, taking note of the submission made by the learned Government Advocate (Criminal Side), and also considering the nature of allegation, and the fact the petitioner has no criminal antecedents, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned X – Metropolitan Magistrate, Egmore, Chennai**, on condition that **the petitioner shall execute a bond for a sum of Rs.15,000/-(Rupees Fifteen Thousand only)**, with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for suretyship (Judicial Form



No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police everyday at 10:30 A.M., for a period of one week and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner was released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

16-02-2026

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To

- 1.The X – Metropolitan Magistrate, Egmore, Chennai.
- 2.The P-2, Otteri Police Station, Chennai District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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K.RAJASEKAR, J.

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