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Crl.O.P.No.8195 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.8195 of 2026

Elumalai, S/o.Ganesan

... Petitioner

Vs.

State rep. By the Sub-Inspector of Police,
Deevattipatti Police Station,
Salem.

(Crime No.71 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner/accused on bail in the event of his arrest pending investigation in crime No.71 of 2026 on the file of the respondent police.

For Petitioner : Mr.V.Murugesan

For Respondent : Mr.P.Dhileepan

Government Advocate (Crl.Side)

ORDER

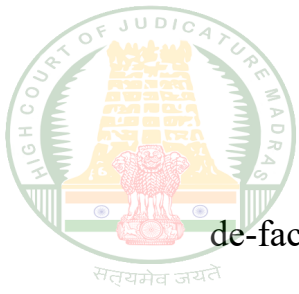
The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(2), of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.71 of 2026, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner and the de-facto complainant were in relationship through Instagram. Late, she came to know that the petitioner was a married man, therefore, the de-facto complainant avoid the petitioner. However, the petitioner on 26.02.2026, insisted her to marry him. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that, though the de-facto complainant had an affair with the petitioner, on coming to know that the petitioner was a married man, she stopped talking with him. This, according to the prosecution, enraged the petitioner, who thereafter misbehaved with the de-facto complainant. He would fairly submit that there is no injury to the de-facto complainant. However, he opposed to grant anticipatory bail to the petitioner.



5. Taking into consideration of the affinity between the petitioner and the de-facto complainant prior to the date of occurrence and on the fact that the occurrence took place on 27.02.2026, hence, this Court is of the view that, at this length of time, the custodial interrogation of the petitioner is not required. Accordingly, 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 is made ready, before the **learned Judicial Magistrate, Omalur**, on condition that **the petitioner shall execute 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 Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned 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 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 identify proofs to ensure their identity;



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(c) The petitioner shall report before the respondent Police, daily twice at 10.30 a.m. and 5.30 p.m. for a period of 30 days;

(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 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.

01.04.2026

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To

- 1.The Judicial Magistrate, Omalur.
- 2.The Sub-Inspector of Police, Deevattipatti Police Station, Salem.
- 3.The Public Prosecutor, High Court of Madras.

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