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CRL OP No. 10415 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10415 of 2026

1. Nikkhil Sunil Kinger
Flat No. 3D, 18, Vijay Towers, Halls Road,
Kilpauk, Chennai - 600 010
2. Archana Sunil Kinger
Flat No. 3D, 18, Vijay Towers, Halls Road,
Kilpauk, Chennai - 600 010
3. Nandika S Kinger
D/o. late Sunil Kinger
Flat No. 3D,
18 Halls Road Road,
Vijay Towers, Kilpauk
Chennai - 600 010.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
All Women Police Station, Kilpauk,
Chennai - 600 010.
Crime No. 6 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the Petitioners on Anticipatory Bail in the event of their arrest in respect of Crime No. 6 of 2026 on the file of the Inspector of Police, All Women Police Station, Kilpauk, Chennai, pending investigation and thus render justice.

For Petitioner(s):

Mr. Sanjesh Mahalingam

For Respondent(s):

MR.P.DHILEEPAN,
GOVT.ADVOCATE (CRL SIDE)



ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 316(2) and 318(2) of BNS, 2023 in Crime No.6 of 2026, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the first petitioner is that, owing to his alleged inclination towards a homo sexual relationship, he had subjected the defacto complainant to harassment. Hence, the complaint has been registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the first petitioner is the husband of the defacto complainant and the second and third petitioner are the mother and sister of the first petitioner, respectively. He further submitted that even prior to the registration of the complaint, the first petitioner and the defacto complainant had been living separately for a considerable period and that the present complaint has been lodged with a motive of vengeance. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions,



submitted that there are no previous cases against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

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5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Taking into consideration of the fact the nature of the allegations and the submissions made by the learned counsel for the petitioners, this Court is of the firm view, that custodial interrogation of the petitioners is not required. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Additional Mahila Court, Egmore**, on condition that **the petitioners shall execute a separate 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 petitioners 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;

(c) The petitioners shall report before the respondent police daily at 10.30 am and 5.30 p.m for a period of 15 days 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

24-04-2026

DRL

To

1.The Additional Mahila Court,
Egmore.

2.The Inspector of Police
All Women Police Station, Kilpauk,
Chennai - 600 010.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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