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CRL OP No.13388 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13388 of 2026

K.SarathKumar

..Petitioner/Accused

Vs

State Rep. by the Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.163 of 2026)

...Respondent/Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.163 of 2026 on the file of the respondent police.

For Petitioner :

Mr.Karthick S

For Respondent :

Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita Act, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.163 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that due to the money dispute, the petitioner entered into the house of the defacto complainant and abused her in filthy language and attacked her resulting in the defacto complainant sustained injuries and was admitted to the hospital between 15.05.2026 and 17.05.2026. Hence, the case.

4. Mr.S.Karthick, learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that it is a case of case and counter. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Mr.S.Yogaraja Sekar, learned counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondent police, submits that a complaint



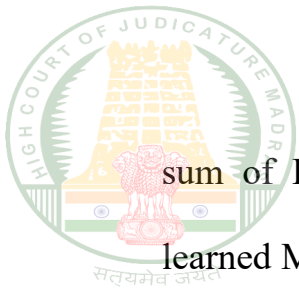
has been lodged by this petitioner as against the defacto complainant which was registered in Crime No.164 of 2026. He further submits that the injured person

has taken treatment as in-patient in the hospital between 15.05.2026 and 17.05.2026 and was subsequently discharged. He further submits that there are no previous cases against the petitioner. However, he prays to dismiss this Criminal Original Petition.

6. Heard both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the fact that the injured was discharged on 17.05.2026 and the nature of the offence allegedly committed by the petitioner, and taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Metropolitan Magistrate No.X, Egmore, Chennai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like



sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Metropolitan Magistrate No.X, Egmore, Chennai.

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(ii) 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 Metropolitan Magistrate No.X, Egmore, Chennai, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.



(vii) The petitioner shall not enter into the defacto complainant's residence or in her workplace.

(viii) The petitioner shall not leave India without the previous permission of the Court.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

22-05-2026

dk/srm

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



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R.SAKTHIVEL, J.

dk/srm

To

1. The Metropolitan Magistrate No.X,
Egmore, Chennai.
2. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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