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Crl.O.P.No.15399 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.15399 of 2026

G.Muthamizhselvan

... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
Vandalur All Women Police Station,
Chennai.
Crime No.2 of 2025

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail concerned in S.C.No.241 of 2025 on the file of the Mahila Court, Chengalpet.

For Petitioner(s) : Mr.V.Bibin Mahesh

For Respondent(s) : Mr.S.Yogaraja Sekar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2025 for the alleged offences under Sections 87, 75(1)(i)(ii), 351(3), 64(1) and 54 of the Bharatiya Nyaya Sanhita, 2023, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.2 of 2025 on the file of the respondent police, seeks bail.

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2. It is the case of the prosecution that the victim had hired the auto-rickshaw driven by the petitioner and that the petitioner had taken her to the place of occurrence where the other accused were present, whereupon the victim was subjected to sexual assault. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the co-accused has already been enlarged on bail and, therefore, the petitioner is also entitled to be enlarged on bail on the ground of parity. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the co-accused had absconded after being enlarged on bail and that a non-bailable warrant has been issued against him. He further submitted that the statement of the victim recorded under Section 183(5) of BNSS has been furnished before this Court and that the investigation has already been completed.

5. On a perusal of the statement of the victim recorded under Section 183(5) of BNSS, it is seen that the victim herself has stated that the petitioner



had not committed any overt act against her except driving the vehicle as instructed by the first accused. Hence, considering the period of incarceration undergone by the petitioner, the contents of the victim's statement recorded under Section 183(5) of BNSS, and the fact that the investigation has already been completed, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Mahila Court, Chengalpet, and subject to the following conditions:

[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 everyday at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

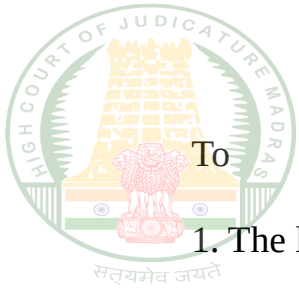
[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

19.06.2026

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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

1. The learned Mahila Court, Chengalpet.

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2. The Superintendent, Central Prison, Puzhal II

3. The Inspector of Police, Vandalur All Women Police Station, Chennai.

4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN,J.

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