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Crl.O.P.No.35542 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.35542 of 2025

Shankar Ganesh S/o.Sivaperumal

... Petitioner/ Accused

Vs

The State Rep. By,
The Inspector of Police,
Kadathur Police Station,
Dharmapuri.
(Crime No.160 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent in Crime No.160 of 2025 on the file of the respondent police.

For Petitioner : Mr. A.Saravanan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 194 of the BNSS, 2023, @ 108 of BNS , 2023, in Crime No.160 of 2025 on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner herein who is ranked as A2 in this case and he was having illicit affair with A1 in this case. Since unable to bear the humiliation of illicit relationship, the deceased has committed suicide by hanging. Hence, the *defacto* complainant lodged a complaint before the respondent police.

3. The learned counsel appearing for the petitioner submitted that there is no inducement or abandonment by the petitioner and due to suspicion, the deceased is dead and the petitioner is ready to co-operate for the investigation; there is no previous case as against the petitioner; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that as per the complaint, the humiliation caused due to the illicit affair of the petitioner with the other accused, the deceased committed suicide and that the investigation of this case is pending.

5. Considering the submissions made, facts and circumstances of



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this case, nature of allegation, the fact that the deceased died by committing suicide due to the humiliation suffered by him for the illicit affair between the accused 1 and 2, I am of the view that the custodial interrogation of the petitioner herein is not necessary for the purpose of investigation, and therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Pappyreddypatti**, 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 condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of 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,



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2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

08.01.2026

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K. RAJASEKAR, J.

ssa

To

1. The Judicial Magistrate, Pappyreddypatti.
2. The Inspector of Police,
Kadathur Police Station,
Dharmapuri.
(Crime No.160 of 2025)
3. The Public Prosecutor,
High Court of Madras.

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