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CRL OP No. 24195 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 24195 of 2026

Gandhi
S/o. Venkatesan,
No.78, Periya Street,
KR Paliyam, Nandiambakkam,
Tiruvallur District.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
W-34, All Women Police Station,
Ennore,
Chennai.
Crime No.16 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Cr.No.16 of 2026 on the file of the Respondent Police pending on the file of the Respondent and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): M/s. Shimiyaon Edwin M

For Respondent(s): Mr.M.M.I.Khaleel, Govt.Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.05.2026 for the alleged offence under Sections 329(2), 64, 62, 74 of BNS Act r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman



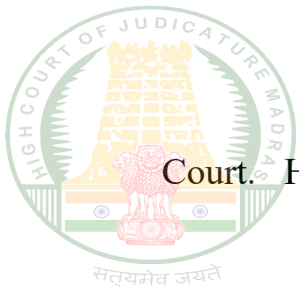
(Amendment) Act, 2002, in Crime No.16 of 2026 on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that while the defacto complainant's sister's daughter was sleeping inside her house, the petitioner trespassed into the house and attempted to commit rape on her. Upon hearing her screams, the de facto complainant rushed to the victim's room and attempted to restrain the petitioner, but he managed to escape. Hence, the registration of the present case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, he has been falsely implicated only due to wordy quarrel between the petitioner and the defacto complainant. He further submitted that only on suspicion a false complaint has been lodged against the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation completed and the charge sheet filed and yet to be taken on file. He further submitted that the petitioner has 13 previous cases, out of which, one case is under Women Harassment Act. He also placed the statement of the victim recorded under Section 183 of the BNSS, dated 15.06.2026, before this



Court. Hence, he opposed the grant of bail to the Petitioner.

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5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. Considering the nature of the allegations, in the present case, the allegation against the petitioner is that only on suspicion, he was arrested. Though the petitioner has 13 previous cases, one case is under Women Harassment Act and now the investigation completed and the charge sheet has also been filed. Taking into consideration the long period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate Court, Thiruvottiur**, and on further conditions that:

[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 daily at 10.30 a.m., until further orders;



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[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 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]**;

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

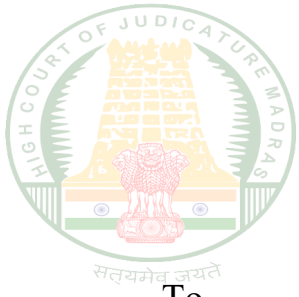
28-08-2026

DRL

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
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1. The Judicial Magistrate Court,
Thiruvottiur.
2. The Inspector of Police
W-34, All Women Police Station,
Ennore,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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N.RAMESH, J.

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