

(2025) 12 MAD CK 0032

Madras HC

Case No: Criminal Original Petition (MD) No. 22402 Of 2025

Ganesan

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

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**Date of Decision:** Dec. 8, 2025**Acts Referred:**

- Bharatiya Nyaya Sanhita, 2023-Section 75(1)(i), 269, 296(b)

**Hon'ble Judges:** S.Srimathy, J**Bench:** Single Bench**Advocate:** P.Suresh, E.Antony Sahaya Prabahar

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### Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 20.11.2025 for the offences punishable under Sections 296(b), 75(1)(i) of BNS, 2023, in Crime No.91 of 2025 on the file of the respondent police, seeks bail.
2. The case of the prosecution is that the accused went to the defacto complainant's house, put his left arm around her neck, and inappropriately touched her chest. Hence, the complaint.
3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that there is previous enmity between the petitioner and the defacto complainant's family and the petitioner is in judicial custody from 20.11.2025. Hence, he seeks bail to the petitioner.
4. The learned Additional Public Prosecutor submitted that the offence committed by the petitioner is serious in nature. Therefore, he opposed for grant of bail to the petitioner.
5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders. The petitioner is further directed not to intimidate or threaten the victim.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.