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CRL OP NO. 3360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

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1.Narayanan
2.Sooran @ Soorappan
3.Natarajan
4.Elumalai

Petitioners

Vs

The State Rep by, The Inspector of Police,
Thirunavalur Police Station, Kallakurichi
District. (Crime No. 82 of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No. 82 of 2025 pending
on the file of the respondent police.

For petitioners:

Mr.sarath chandran

For Respondent(s):

Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 296(b), 115(2), 118(1)
and 351(3) and 74 of BNS Act, on the file of the respondent police, seek
anticipatory bail.



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2. The case of the prosecution is that there is a civil dispute prevailing between the petitioners family and the *de facto* complainant's family. Due to this enmity, a wordy quarrel arose between the parties, as a result of which, the *de facto* complainant was attacked and injured. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners are ready to abide by any condition that may be imposed by this Court; that the co-accused (A1, A3 and A4) were arrested and released on bail; and that the custodial interrogation is not required in this case for the second petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner/A2.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there are no previous cases as against the petitioners and the co-accused were arrested and released on bail.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the submission made by either side; that the petitioners 1, 3 and 4 were already arrested and released on bail, this petition filed by them has becomes infructuous. The second petiitoner is aged about 65 years; onsidering the age of the petitioner; nature of allegation and the co-accused were arrested and released on bail and custodial interrogation of the second petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner/A2 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Ulundurpet** on condition that the petitioner/A2 shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said



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SUNDER MOHAN,J.

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Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner/A2 shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner/A2 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/A2 in accordance with law as if the conditions have been imposed and the petitioner/A2 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 of BNS.

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To

1. The State Rep by, The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.(Crime No. 82 of 2025)

2. The Judicial Magistrate No.II, Ulundurpet

3.The Public Prosecutor,
Madras High Court, Chennai

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