



CRL OP NO.30521 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30521 of 2024

Santhoshkumar

Petitioner(s)

Vs

State rep. by

The Inspector of Police,

MKB Nagar Police Station,

Chennai District.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C./482 of BNS, pleaded to enlarge the petitioner on bail in the event of his arrest in Crime No.893 of 2024 pending investigation on the file of the respondent police.

For Petitioner(s):

T.Balaji

For Respondent(s):

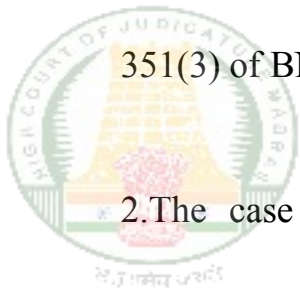
S.Santhosh

Government Advocate (Crl. Side)

ORDER

<https://www.mhc.in.gov.in/judis> Apprehending arrest in connection with Crime No.893 of 2024, registered for the

offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and



351(3) of BNS, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son and one Silambarasan are friends. On 24.11.2024, they consumed alcohol together, while being so, there was a quarrel arose between the petitioner and the defacto complainant, in continuation to that the petitioner along with other accused went to the defacto complainant's house and abused the defacto complainant and her son. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that he has no bad antecedents and he is ready to offer substantial sureties and ready to abide by any stringent conditions that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that due to a previous enmity, the petitioner along with other accused went to the defacto complainant's house and abused the defacto complainant and her son. He would submit that the victim admitted in hospital and discharged. He would further submit that there is no previous case as against the petitioner.

5.Having heard the learned counsel for the petitioner, and the learned Government



Advocate (Criminal Side) for the respondent Police and perused the mate

available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner 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 on which the order copy made ready, before the learned X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with 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 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 abscond, a fresh FIR can be registered under Section Section 269 of B.N.S.

11-12-2024

To

1.X Metropolitan Magistrate, Egmore

2.The Inspector of Police,

MKB Nagar Police Station,

Chennai District.



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A.D.JAGADISH CHANDIRA, J.

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11.12.2024