



Crl.O.P.No.31056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

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CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31056 of 2024

RAJSEKAR

S/o.Dharamaraj, No.166, F Block, Svm Nagar, Otteri,
Chennai - 600 012.

Petitioner(s)

Vs

State Rep By

The Inspector Of Police, Vyasarpadi Police Station,
Chennai. Crime No.505 Of 2024

Respondent(s)

For Petitioner(s):

R.Parthiban
R.Rajadurai
M.Shimiyon Edwin
P.Agnes Samantha Ophelie

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 270, 125(b), 123 and 223(b) of BNS r/w Section 71(xiv) of TN City Police Act, 1888 in Crime No.505 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that, on 17.11.2024, the petitioner along with other accused had involved in flying kites using abrasive string threads negligently, which wrapped the right side neck of the defacto complainant's child, thereby, sustained injuries. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and had not committed any offence as alleged by the prosecution and he has been falsely implicated in the case, on suspicion by the respondent police. He also submitted that the co-accused were arrested and released on bail and the petitioner herein is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner/ A11 along with other accused used manja threads for flying kites, which had accidentally wrapped around the neck of the defacto complainant's child, thereby, the boy sustained injuries. He also submitted that the co-accused A1 to A6 were arrested and released on bail and the petitioner herein has no previous case.



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5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the main accused were arrested and enlarged on bail and the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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** on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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To

1. State Rep By
The Inspector Of Police, Vyasarpadi Police Station,
Chennai.
Crime No.505 Of 2024

A.D. JAGADISH CHANDIRA, J.

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