



Crl.O.P.No. 31003 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31003 of 2024

Deva @ Srideva

... Petitioner-A2

Versus

The State,
Represented by
The Inspector of Police
Kitchipalayam Police Station
Salem City
[Crime No. 530 of 2024]

...Respondent

Prayer : Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2024, praying to enlarge the petitioner on bail in the event of his arrest by the respondent in Crime No. 530 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.S.Santhosh
Government Advocate
(Criminal Side)



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ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 109 of BNS in Crime No. 530 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others had assaulted the son of the de-facto complainant with knife due to previous enmity. Due to the impact, the son of the de-facto complainant got injured and admitted to a hospital. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no previous case against him. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent Police while opposing for grant of bail would submit that the petitioner along with others had assaulted the son of the de-facto complainant with knife due to previous enmity. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioner has no previous case pending against him. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 learned **Judicial Magistrate–II, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only), with two sureties [out of two sureties, one should either father/mother of the petitioner] 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 Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m until further orders;

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

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the



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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];

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

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A.D.JAGADISH CHANDIRA, J.

MSM

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