



WEB COPY



Crl.O.P.No.31506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31506 of 2024

1.Santhosh Kumar
2.Jayachandran

.... Petitioners

Vs

State Rep. by
The Inspector of Police,
B1-Sivakanchi Police Station,
Kancheepuram.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on anticipatory bail in the event of arrest at the hands of the respondent police pending investigation in Crime No.577 of 2024, on the file of the Inspector of Police, Sivakanchi Police Station, Kancheepuram District.

For Petitioners : Mr.Mukesh Kannah

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.577 of 2024 registered for the offences punishable under Section 296(b), 115(2), 109(1) of



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Bharatiya Nyaya Sanhita, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners attacked the *de facto* complainant's son, due to which, he sustained injuries. Hence, a case has been registered.

3. Pleading innocence on the part of the petitioners, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent and that a case has been fabricated against him. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners assaulted the *defacto* complainant with Aruval, due to which he sustained injuries He would submit that the 1st petitioner has one previous case and the 2nd petitioner has three previous cases pending against them.



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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 facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the 1st petitioner alone. As far as the 2nd petitioner is concerned, he has three previous cases pending against him, therefore, this Court is not inclined to grant anticipatory bail. Hence this petition is dismissed as against the 2nd petitioner. Accordingly, the 1st 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Kancheepuram**, on condition that the 1st petitioner 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 Magistrate, on further condition that:

[a] if the 1st petitioner fails to surrender before the said Magistrate within a period of three weeks this Order shall stand automatically cancelled;



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[b] the 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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 BNS.

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Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
B1-Sivakanchi Police Station,
Kancheepuram.

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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