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Crl.O.P.No.31604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31604 of 2024

Hari Ganesh @ Hari Prasanth
S/o.Vijayakumar, No.43, Thulukanathamman Kovil
Street, Thiruvottiyur Kuppam, Thiruvottiyur,
Tiruvallur - 600 019.

Petitioner(s)

Vs

State Rep. By The Inspector Of Police,
H8, Thiruvottiyur Police Station, Chennai. Crime
No.1319/2024

Respondent(s)

For Petitioner(s):

Stephen Raj B
K.Subburaj
D.Sugumar
V.Sudhakar

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 126(2), 296(b), 115(2) and 118(2) of BNS in Crime No.1319 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that, due to previous enmity regarding Kabbadi tournament, a wordy quarrel arose between the petitioners and the defacto complainant, thereby the petitioners had assaulted the defacto complainant, due to which the defacto complainant sustained injuries. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the defacto complainant. He would further submit that the due to previous enmity, wordy quarrel arouse between the parties, thereby, they exchanged blows. He also submitted that a case in counter has also been registered against the defacto complainant. He would further submit that the petitioners are ready to abide by any condition, 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 petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioners, stating that the petitioners have assaulted the defacto complainant using wooden logs, thereby the defacto complainant sustained injuries and further a



case in counter is also registered. He also submitted that the injured was discharged from the hospital and there is no previous case as against the petitioners.

5. Heard the learned counsel for the petitioners and 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 that the injured has been discharged from the hospital and the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate at Thiruvottiyur** on condition that the petitioners 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:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 06:30 p.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

18.12.2024

stn

To

1. State Rep. By The Inspector Of Police,
H8, Thiruvottiyur Police Station,
Chennai.
Crime No.1319/2024



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A.D. JAGADISH CHANDIRA, J.

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