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Crl.O.P.No.32432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32432 of 2024

Sarathkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
(Crime No.772 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.772 of 2024, pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Raman

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2),



Crl.O.P.No.32432 of 2024

118(2), 351(3) of BNS, in Crime No.772 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner and others abused the defacto complainant and assaulted him with knief and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and others assaulted the defacto complainant with knife, and he has two previous cases pending against him. He further submits that the injured discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.32432 of 2024

WEB COPY

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, and considering the fact of the case and the injured discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.I, Thiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] **the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and**



Crl.O.P.No.32432 of 2024

when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

27.12.2024

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Crl.O.P.No.32432 of 2024

To

1. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.32432 of 2024

L.VICTORIA GOWRI, J.

rts

Crl.O.P.No.32432 of 2024

27.12.2024