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Crl.O.P.No.147 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 147 of 2025

1.Rajesh.B

2.Dinesh.B

Petitioner(s)

Vs

State By, The Inspector Of Police
P-2, Otteri Police Station, Chennai.

Crime No.1400 Of 2024

Respondent(s)

For Petitioners:

Mr.Sanjay Davidson

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.1400 of 2024 registered for the offences punishable under Sections 115(2), 296(b), 118(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023, and Section 4 of TNPHW, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court.



He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail, is that, the petitioners are neighbours, due to previous enmity regarding the parking of a vehicle, the petitioners assaulted the defacto complainant using a wooden stick, causing injuries. He would submit that the injured now been discharged from the hospital. He would submit that A-1 has been arrested and released on bail. He would further submit that there is no previous case pending against the petitioners.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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 petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two



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

[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]**;

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

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A.D.JAGADISH CHANDIRA, J.

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