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CRL O.P. No.5815 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5815 of 2025

Sarath S/o. Sivakumar

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
SIPCOT Police Station,
Thiruvallur District.
[Cr. No.810 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.810 of 2024 on the file of the respondent police.

For Petitioner : Mr.P. Chandra Sekar

For Respondent : Mr.S. Santhosh
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offence punishable under Sections 296(b), 126(1), 118(1) and 351(3) of B.N.S. @ Section 25(1-A) of Arms Act in connection with the case in Crime No.810 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on account of prior enmity, the petitioner along with other accused, abused the defacto complainant in filthy language and attacked with wooden rod.

3. The learned counsel for the petitioner would contend that the allegations against the petitioner are false; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the injured has been discharged from the hospital; and that



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the petitioner has one previous case of similar nature, in which, he is on bail.

5. Considering the nature of allegations, the fact that the petitioner is on bail in other similar case, the injured has been discharged from the hospital and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the 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 **District Munsif-cum-Judicial Magistrate, Gummidipoondi** on condition that the 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand



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dismissed and on further conditions that:

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[a] 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.

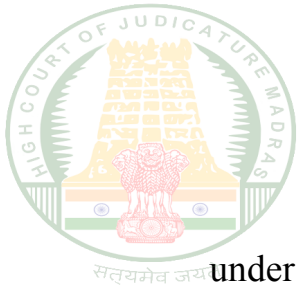
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d] the 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 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]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered



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under Section 269 B.N.S.

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mjs

To

- 1.The District Munsif-cum-Judicial Magistrate, Gummidipoondi.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, SIPCOT Police Station, Thiruvallur District.

SUNDER MOHAN. J.,

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