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Crl.O.P.No.1159 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1159 of 2025

Siva Alias Kozhi Siva

... Petitioner

Vs

State rep by
The Inspector of Police,
Siva Kanchi police station,.
Kancheepuram District
(Crime No.637 of 2024)

... Respondent

PRAYER: The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioner on bail in the event of her arrest by the respondent police in Crime No. 637 of 2024 pending investigation on the file of respondent police.

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

ORDER

The petitioner apprehends arrest for the alleged offences under Section 296(b), 118(1), 118(2), 351(3) of BNS, 2023 in Crime No. 637 of 2024 , on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that there was a quarrel between the petitioner and the defacto complainant's son due to which, the petitioner attacked the defacto complainant's son using iron bucket. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there was a quarrel between the petitioner and the defacto complainant's son due to which, he attacked the defacto complainant's son. He would further submit that injured was discharged from the hospital. He would also submit that there are seven previous cases pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and considering the fact that the injured was discharged from the hospital, this Court is inclined to grant **anticipatory bail** to the petitioner with 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 (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate Court No.I, Kanchipuram*** 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 and on further condition that:

[a] the petitioner shall report **before the respondent**



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police daily at 10.30 A.M. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

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

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.



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

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G.R.SWAMINATHAN J.

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