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Crl.O.P.No.1185 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. 1185 of 2025

M.Karthi

... Petitioner

Vs

State of Tamilnadu,
Rep. by Inspector of Police,
Erode Taluk Police Station,
Erode District.
[Cr. No. 434 of 2024]

... Respondent

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Section 296(b), 118(1), 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.434 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 22.12.2024, the defacto complainant working as a supplier at TASMACH shop in Erode, confronted a group of people, including the petitioner, after they broke a bottle while intoxicated. When the defacto complainant, questioned them, Dio Ramesh,



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a member of the group became aggressive and lost his balance. Later around 5.45 PM, the same group, including the petitioner, returned to the bar verbally abused the defacto complainant, threatened and stabbed the defacto complainant with broken bottle. 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. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and others were abused the defacto complainant verbally, threatened and stabbed the defacto complainant with broken bottle. He further submitted that there is no previous case pending against the petitioner and injured was discharged from hospital. However, he opposed to grant bail to the petitioner.

5. Considering the representations made by both sides and



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nature of offences charged against the petitioner, considering that there is no previous case pending against the petitioner and injured was also discharged from 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No.I, Erode*** 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 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



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previous permission of the Court.

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[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]*.

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

17.01.2025

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G.R.SWAMINATHAN J.

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