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CRL O.P. No.1242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1242 of 2025

1.B.Shahjahan

2.S.Kathir @ Kathiravan

... Petitioners

Vs

State rep. by:-

The Inspector of Police

Sooramangalam Police Station

Salem District

... Respondent

[Cr. No.1715 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners in Crime No.1715 of 2024 on the file of the respondent police.

For Petitioners : Mr.S.Bharanidharan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) & 351(3) of BNS, 2023 in connection with the Cr.No.1715 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that on 22.12.2024, the petitioners along with other accused had attacked the defacto complainant and abused with filthy language and dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners have nothing to do with the commission of offence and they have been falsely implicated by the respondent police in the case. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that on 22.12.2024, the petitioners along with other accused had attacked the defacto complainant and abused in filthy language and with dire consequences. The victim is subsequently discharged from the hospital and no previous case is pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the rival submissions on either side and the fact that the defacto complainant was discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the



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following conditions:

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Salem, on condition that the petitioners shall execute a separate 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 dismissed and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioners 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 to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;



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[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 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].

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

17.01.2025

dhk

To

1. The Judicial Magistrate-II, Salem
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police
Sooramangalam Police Station
Salem District

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