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CRL OP NO. 1449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1449 of 2025

Rabinson

S/o Balu, No 196, Rajiv Ganthi street, Anoor post,
Elumichampattu village, Thirukazhukundram Taluk,
Chengalpattu Dist

Petitioner(s)

Vs.

State Represented by Inspector of Police
Thirukazhikundram Ps. Crime No. 511/2024

Respondent(s)

For Petitioner(s): Mr. G. Vananarayanan

For Respondent(s): Mr.S.Santhosh, Government Advocate, (Criminal Side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women, 2002, and later it was altered into (@) Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 109 and 351(3) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, r/w Section 4 of



Tamil Nadu Prohibition of Harassment of Women, 2002, in Crime No.511 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the de-facto complainant and his wife were returning home after attending a marriage on 07.11.2024 at 01:15 A.M., on a two-wheeler, the petitioner, along with other accused, waylaid, abused, and assaulted them with a wooden log and iron rod and thereby, the de-facto complainant and his wife sustained injuries. Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person, who has been falsely implicated in this case. He further submits that the co-accused have already been enlarged on bail. Therefore, there is no specific overt fact attributed to the petitioner. There are no previous cases pending against the petitioner. Therefore, he prays that anticipatory bail be granted to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner. He states that when the de-facto complainant and his wife were returning from a function, a wordy quarrel arose between them, escalated into a verbal altercation and subsequently, the petitioner, along with other accused, waylaid, attacked, and assaulted the de-facto complainant with a wooden log and iron rod, causing grievous injuries. The injured person has been discharged from the hospital. The investigation is complete, and the final report has been filed before the learned Judicial Magistrate, Thirukazhukundram. Further, he submitted that as far as this petitioner is concerned, no previous case pending against him.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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, Thirukazhukundram, 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 said Magistrate, on further condition that:

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

[b] 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;

[c] the petitioner shall report before the learned Judicial Magistrate, Thirukazhukundram on all working days at 10:30 A.M., and thereafter the date fixed by the learned Judicial Magistrate, Thirukazhukundram , until further orders;

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

[e] the petitioner shall not abscond either during the investigation or during the trial;

[f] On breach of any of the aforesaid conditions, the learned



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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 was 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 of BNS.

22-01-2025

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To

1. State Represented by Inspector of Police
Thirukazhikundram Police Station,
Crime No. 511/2024



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A.D. JAGADISH CHANDIRA, J.

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