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CrI.O.P.No.1791 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.1791 of 2025

Merlinsham Milton

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
V6 Kolathur Police Station,
Chennai.
(Crime No.08 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.08 of 2025, on the file of the respondent police.

For Petitioner : Mr.V. Muthupandi
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



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Crl.O.P.No.1791 of 2025

ORDER

Apprehending arrest in connection with Crime No.08 of 2025 registered for the offences punishable under Sections 126 (2), 191 (2), 191 (3), 296 (b), 115 (2), 118 (1), 351 (3) and 109 of the Bharathiya Nyaya Sanhita (BNS) and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that due to previous enmity, there arose a wordy



quarrel between the petitioner and the defacto complainant. As a result of which, the petitioner assaulted the defacto complainant by using hands and knife. He also submits that there has no previous cases pending against the petitioner.

4.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 XIII Metropolitan Magistrate, Egmore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties 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 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



CrI.O.P.No.1791 of 2025

[b] the petitioner shall report before the respondent police, everyday at 6.30 p.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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 269 of BNS.

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CrI.O.P.No.1791 of 2025

A.D.JAGADISH CHANDIRA, J.

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CrI.O.P.No.1791 of 2025

29.01.2025