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CrI.O.P.No.5181 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5181 of 2025

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... Petitioner

Vs.

State, Rep. by Inspector of Police
Gummidipoondi Police Station,
Tiruvallur District.

(Crime No.641 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.641 of 2024, on the file of the respondent Police.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.S.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS Act in Crime No.641 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, due to previous enmity, the petitioner along with other accused waylaid the defacto complainant, abused him with filthy language and assaulted him.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail for the petitioner.

4. The Learned Government Advocate (Cr1. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that there is one previous case against the petitioner/A4 and is on bail in that case and the injured has been discharged from the hospital

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the injured has been discharged from the hospital and the petitioner is on bail in the previous case and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before **the learned District Munsif**



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cum Judicial Magistrate, Gummidipoondi, on condition that the petitioner 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 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

26.02.2025

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SUNDER MOHAN, J.

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To
1.The District Munsif cum Judicial Magistrate,
Gummidipoondi

2.The Inspector of Police
Gummidipoondi Police Station,
Tiruvallur District.

3.The Public Prosecutor,
High Court of Madras.

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