



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDAR MOHAN

Crl.O.P.No.2305 of 2025

1.Balamurugan

2.Mohan

... Petitioners/A2 to A3

Vs.

The State Rep. by
Inspector of Police,
R-5 Police Station,
Virugambakkam,
Chennai.
(Crime No.486 of 2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
his arrest in Crime No.486 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Palaninathan

For Mr.G.Babu

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)



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ORDER

The petitioners / A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 115(2) and 118(1) of BNS in Crime No.486 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused and the defacto complainant are the adjacent shop owners. There was a wordy quarrel between the 1st accused and the defacto complainant with respect to an information given to the corporation staff to the disadvantage of the defacto complainant, which quarrel escalated into violence. As a result, the 1st accused and the petitioners herein attacked the defacto complainant with hands and iron road and also abused him in a filthy language. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are the law abiding citizen and ready to abide by any stringent condition that may be imposed by this Court.



Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the 1st accused and the defacto complainant are the adjacent shop owners. There was a wordy quarrel between the 1st accused and the defacto complainant. As a result, the 1st accused and the petitioners herein attacked the defacto complainant with hands and iron road and also abused him in a filthy language. He would further submit that there are no previous cases pending as against the petitioners and the injured had been discharged from the hospital.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of allegation; the fact that the injured had been discharged from the hospital and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the



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event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **XXIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, each 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] 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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



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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.

31.01.2025

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To

- 1.The XXIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Sub-Inspector of Police,
Vettavalam Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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