



Crl.O.P.No.2073 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 2073 of 2025

1. Jayapal
2. Harikrishnan

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
F5, Pathirivedu Police Station, Gummidipoondi
Taluk, Tiruvallur District. (Crime No.14 of
2025)

Respondent(s)

For Petitioner(s): N Nithianandam

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 118(1) and 351(3) of BNS in Crime No.14 of 2025, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the defacto complainant is that, on account of previous enmity, the petitioners herein attacked the defacto complainant with cricket bat and the second petitioner herein, tried to stab the defacto complainant using knife, thereby the defacto complainant sustained injuries. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners had never committed any offence as alleged by the prosecution and due to previous enmity between the defacto complainant and the petitioners herein, a false complaint has been lodged by the defacto complainant, but the true fact is that the defacto complainant in drunken mode abused and assaulted the petitioners. He also submitted that the petitioners had lodged a complaint against the defacto complainant and the same has been registered in FIR. No.15 of 2025 on the file of the respondent police. He would further submit that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of



anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners, stating that the petitioners had abused and attacked the defacto complainant using cricket bat, further, tried to assault him using knife. He also submitted that the petitioners have no previous case and the injured has been discharged from the hospital.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and the fact that the petitioners have no previous case and the injured has been discharged from the hospital, 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 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 Munsif cum Judicial Magistrate, Gummidipoondi** 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 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 petitioners shall report before the respondent police everyday at 06:30 p.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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

29.01.2025

stn

To

1. The State Rep by, The Inspector of Police,
F5, Pathirivedu Police Station,
Gummidipoondi Taluk,
Tiruvallur District.
(Crime No.14 of 2025)



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A.D.JAGADISH CHANDIRA, J.

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