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CRL OP NO.1961 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. 1961 of 2025

Nandeeshwaran @ Nanthishwaran

Petitioner(s)

Vs

The State Rep by,
The Sub-Inspector of Police,
Attaiyampatti Police Station,
Salem District. (Cr.No. 268 of 2024)

Respondent(s)

For Petitioner(s): Mr. R. Siranjeevi

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 Sections 296(b), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, in Crime No.268 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, is that a wordy quarrel led to the petitioner, along with the other accused, allegedly assaulting

the de-facto complainant with a wooden log, causing injuries and also abusing



him with filthy language. 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. The petitioner has no connection to the alleged offence as alleged by the prosecution. It was the co-accused/A1 allegedly attacked the de-facto complainant and thereby the de-facto complainant sustained injuries. Now, the injured person has also been discharged from the hospital. 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 while the de-facto complainant was standing in the road, the accused/A3 & A4 entered into a wordy quarrel with him. Meanwhile, including the petitioner/A2, along with the accused/A1 attacked the de-facto complainant from behind. The petitioner is A2. The injured person has been discharged. Further, he submits that the petitioner has no previous cases 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 **Judicial Magistrate -IV, Salem**, on condition that the petitioner shall execute 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 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;



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[c] the petitioner shall report before the respondent Police on everyday at 06:30 P.M 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 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 were 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.

29-01-2025

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To

1. The State Rep by,
The Sub-Inspector of Police,
Attaiyampatti Police Station,
Salem District. (Cr.No. 268 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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