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Crl.OP.No.2093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2093 of 2025

Rajesh

... Petitioner

Vs.

State rep by
Inspector of Police,
Olakkur Police Station,
Villupuram District.
Crime No.21 of 2025

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in the above crime no. 21 of 2025 on the file of respondent Police.

For petitioner : M/s.S.Kamala Kanth

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 326(G) of BNS, 2023, in Crime No.21 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that, when the defacto complainant



and other family members were not at home, the petitioner is stated to have poured petrol and set fire to the front portion of the house. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, even in the FIR the alleged offence is said to have been committed by two unknown persons and since there is some matrimonial dispute, the petitioner was arrayed as an accused; and that in any case the custodial interrogation is not required for the purpose of investigation. Therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted the petitioner, with the history of bad antecedent, is said to have committed the offence and that three previous cases were pending against the petitioner. Therefore, he opposed for granting bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the



materials available on record.

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6. Considering the nature of allegations; and the petitioner and the defacto complainant are close relatives; that previous cases were registered in 2021, 2022 and 2024 respectively; and that custodial interrogation of the petitioner 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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.I, Court at Tindivanam**, 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] 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



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Bank pass Book to ensure their identity;

- [b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner 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 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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S

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Index : Yes/No

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Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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To

1. The Judicial Magistrate No.I Court
Tindivanam

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Inspector of Police,
Olakkur Police Station,
Villupuram District.

SUNDER MOHAN, J.

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