



Crl.OP.No.2547 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2547 of 2025

1.Saran
2.Rakesh

... Petitioners /Accused 2&3

Vs.

The State rep. by
The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.

... Respondent/Complainant

(Crime No.41 of 2025)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioners in the event of arrest in Crime No.41 of 2025 by the respondent Police.

For petitioners : Mr.Jaisingh M Advocate

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 324, 118(1), 115(2), 109 and 351(3) of BNS, 2023, in Crime No.41 of 2025, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that there was previous enmity between the accused and the defacto complainant's sons regarding the information of sand theft by the petitioners and that on 11.01.2025 at around 10.30 p.m., when the defacto complainant's sons and his friends were talking near Bhubaneswari Nagar, the petitioners came there and abused them in filthy language, assaulted them with wooden logs and tried to stab them with knife, caused injuries to them and damages to their vehicles. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and that due to previous enmity, a false complaint has been foisted and that the petitioners have also lodged a complaint



against the defacto complainant in Crime No.39 of 2025 and that the injured has been discharged from the hospital and hence, custodial interrogation of the petitioners is not required. Hence, he prays for the grant of anticipatory bail.

4.The learned Government Advocate (Criminal Side), per contra, would reiterate the case of the prosecution and submit that it is a case of case and counter and that the injured has been discharged from the hospital.

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

6. Considering that there is a case and counter case, nature of allegations and the fact that the injured has been discharged from the hospital and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.



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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 of receipt of copy of this order, before the **Judicial Magistrate Court I, Chengalpattu**, on condition that the petitioners shall execute separate bond for 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;



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[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 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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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.

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

3. The Judicial Magistrate Court I, Chengalpattu.

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