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Crl.O.P.No.2364 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2364 of 2025

Dhanush

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.

(Crime No.62 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with the Crime No.62 of 2025, on the file of the respondent Police.

For Petitioner : Mr.G.Ezhilbalaji

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who
was arrested and remanded to judicial custody on 15.01.2025, seeking bail in
Crime No.62 of 2025 registered for the offence under Sections 126(2), 296(b),
109(1) and 351(3) of BNS.



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2. The case of the prosecution is that since the victim had murdered the uncle of A1, the petitioner and other accused waylaid the de facto complainant, abused him and attacked him with beer bottle and the injured was admitted in the hospital.

3. Learned counsel appearing for the petitioner submitted that due to the previous enmity, a false complaint has been given against the petitioner and the petitioner/A2 is in custody from 15.01.2025. He further submitted that the victim was only treated as an out patient and he was also discharged from the hospital, hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police also confirmed the fact that the victim was treated as out patient and discharged. He further submitted that one previous case is pending against the petitioner. Hence, he objected for grant of bail.

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



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6. Considering the nature of allegation against the petitioner and that the victim was also discharged from the hospital, this Court is of the opinion that the further custody of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town, Chennai**, and on further conditions 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 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;



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SUNDER MOHAN., J.

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[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 [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

31.01.2025

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Sub-Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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