



Crl.OP.No.2730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2730 of 2025

Mohan @ Mohanbabu

.. Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
B-1 Dharmapuri Police Station,
Dharmapuri District.
(Crime No.633 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.633 of 2024 on the file of the respondent Police.

For Petitioner : M/s.Karthik R

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 296(b), 126(2), 115(2),
118(1), 351(3) and 46 of BNS, 2023 in Crime No.633 of 2024, seeks



anticipatory bail.

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2. The case of the prosecution is that on account of prior enmity, the petitioner along with other accused assaulted the defacto complainant with iron rod.

3. The learned counsel appearing for the petitioner submitted that this is the 2nd anticipatory bail petitioner, and the earlier petition was dismissed based on the submission of the Government Advocate (Crl. Side) that the petitioner had been arrested. He further submitted that the petitioner has not been arrested and therefore, this anticipatory bail petition is maintainable and sought for anticipatory bail to the petitioner.

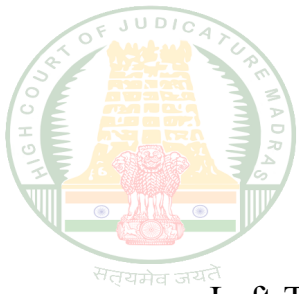
4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and confirmed that it was mistakenly represented before this Court earlier that the petitioner has been arrested. He further submitted that the injured has been discharged from the hospital; that there is one previous case against the petitioner and he is on bail in that case.



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5. Though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.32351 of 2024 dated 08.01.2025, based on the submission of the learned Government Advocate, the petitioner has not been arrested so far. Considering the aforesaid facts, the fact that the injured has been discharged from hospital, the petitioner is on bail in the other case and since 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.

6. 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 on which the order copy is made ready, before the **Judicial Magistrate-I, Dharmapuri**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



CrI.OP.No.2730 of 2025

[a] 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.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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]**;

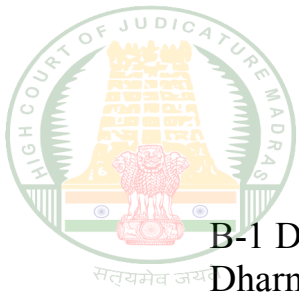
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

12.03.2025

Index : Yes / No
Internet : Yes / No
dpa

To

1.The Sub Inspector of Police,



CrI.OP.No.2730 of 2025

B-1 Dharmapuri Police Station,
Dharmapuri District.

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2. The Judicial Magistrate-I,
Dharmapuri.

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

SUNDER MOHAN , J.

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WEB COPY



CrI.OP.No.2730 of 2025

CrI.O.P.No.2730 of 2025

12.03.2025