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Crl.OP.No.2523 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2523 of 2025

Abhishek

... Petitioner /Accused

Vs.

State rep. by its
The Inspector of Police,
F-5, Pathirivedu Police Station,
Thiruvallur District.
(Crime No.434 of 2024)

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest by the respondent in Crime No.434 of 2024 on the file of the Inspector of Police, F-5, Pathirivedu Police Station, Thiruvallur District pending investigation of the case.

For petitioner : Mr.Dilli Ganesh Krishnamoorthy

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 109 and 351(3) of BNS Act, in Crime No.434 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.12.2024, at about 08:10 PM, due to previous enmity, the petitioner and other accused assaulted the defacto complainant with hands, abused her in filthy language, and intimidated her, causing her to sustain head injuries. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that even as per the prosecution, the injured has been discharged from the hospital. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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.

6. Considering the nature of allegation; there is no previous case pending against the petitioner; that the victim was also discharged from the hospital; 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 petitioners with certain conditions.



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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 DM cum Judicial Magistrate, Gummidipoondi, on condition that the petitioner shall execute a 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] 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 stay at Gummidipoondi and report before the Gummidipoondi Police Station everyday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation. The petitioner shall not enter into the jurisdiction of the respondent police /limits;



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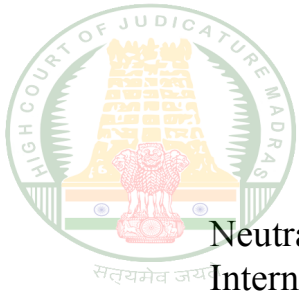
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- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial 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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Speaking Order/Non Speaking Order

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Neutral Citation: Yes/No

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SUNDER MOHAN, J.
skr

To

1. The Inspector of Police,
F-5, Pathirivedu Police Station,
Thiruvallur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned DM cum Judicial Magistrate,
Gummidipoondi.

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