



Crl.O.P.No.2653 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.2653 of 2025

1.P.Ezhilvendhan

2.G.Nagaraj

...Petitioners/A1 and A2

Vs.

The State of Tamil Nadu
Rep. by Inspector of Police,
E.1, Ponneri Police Station,
Thiruvallur District.
(Crime No.11 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/A1 and A2 on bail in
the event of their arrest by the respondent in Crime No.11 of 2025.

For Petitioner : Mr.S.Sathish Kumar

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



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ORDER

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1), 324(4), 309(5) and 351(3) of the BNS Act, in Crime No.11 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The allegation against the petitioners is that on 07.01.2025 at about 6.00 p.m., when the *de-facto* complainant was going to her work place, three known persons, including the petitioners, came on a bike bearing Reg.No.TN-18-AK-5211, stopped the *de-facto* complainant, attacked him with a knife and also damaged the two-wheeler and committed robbery. Hence, the case.

3. The learned counsel for the petitioners/A1 and A2 would submit that the third accused was arrested and released on bail; that there are no previous cases against the petitioners; and that the custodial interrogation of the petitioners is not required for the purpose of the case. Hence, he prays for the grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) for the respondent submitted that the petitioners/A1 and A2 are involved in the aforesaid offences and no indulgence would be shown to them.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of the allegation; that there are no previous cases against the petitioners, and admittedly, A3 was arrested and released on bail and the custodial interrogation of the petitioners is not required for the purpose of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 (15) days from the date on which the order copy was made ready, before the learned ***District Munsif cum Judicial Magistrate, Ponneri***, on condition that the petitioners shall execute a bond for a 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



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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;

[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 [(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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- 1.The District Munsif cum Judicial Magistrate,
Ponneri.
- 2.The Inspector of Police
E.1, Ponneri Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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