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Crl.OP.No.2554 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2554 of 2025

Murali

... Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi District.
(Crime No.390 of 2024)

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.390 of 2024.

For petitioner : Mr.V.Gunasekar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 109 of BNS,2023, in Crime No.390 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner/ accused gave



sacred water mixed with bronze polish to the defacto complainant and his family members, causing them to vomit and lose consciousness. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainants are now living in the same house and therefore, defacto complainant does not intend to pursue the complaint.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and the defacto complainant are living in the same house, and that the defacto complainant had also promised not to pursue the complaint.

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

6. Considering the nature of allegation; the submission, there is no



previous case pending against the petitioner; 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.

7. Accordingly, the petitioner is 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 is made ready, before the learned Judicial Magistrate, Sankarapuram, on condition that the petitioners 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioners shall not abscond either during



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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*** 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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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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1. The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Judicial Magistrate,
Sankarapuram.



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SUNDER MOHAN, J.

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