



WEB COPY



Crl O.P.No.2549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2549 of 2025

Muthazhagan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Thittachery Police Station,
Nagapattinam district.
(Crime No.32/2020)

.. 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.32 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Azharudeen

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 341, 147, 148, 294(b), 324,
506(ii) and 307 IPC, in Crime No.32 of 2020, seeks anticipatory bail.



WEB COPY

2. The case of the defacto complainant is that, on 24.02.2020, while the defacto complainant and his brother were returning home in Motor bike, the petitioner, along with other accused waylaid them and that attacked them, threatening them with dire consequences; and that the defacto complainant sustained injuries. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no previous case against him and that custodial interrogation is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing for grant of anticipatory bail to the petitioner, submitted that the petitioner is involved in a serious offence, necessitating custodial interrogation. He would further submit that there is no previous case pending against the petitioner.



WEB COPY

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

6. Considering the nature of allegation; the fact that the case was registered in the year 2020; and that custodial interrogation of the petitioner is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] 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 No.II, Nagapattinam**, 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:

[b] the petitioner shall report before the respondent police once a week 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



Crl O.P.No.2549 of 2023

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 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 BNS.

03.02.2025

Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Thittachery Police Station,
Nagapattinam district.

2. The Judicial Magistrate No.II,
Nagapattinam.

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



WEB COPY



Crl O.P.No.2549 of 2025

SUNDER MOHAN , J.

dpa

Crl.O.P.No.2549 of 2025

03.02.2025