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Crl.OP.No.2814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2814 of 2025

1.Karthik Raja

2.Kasinalamaharaja

3.Manoj

... Petitioners

Vs.

State by Tamil Nadu,
The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam district.
(Crime No.4 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on anticipatory bail on event of arrest in Crime No.4 of 2025 on the file of the respondent police .

For petitioners : Mr.M.Mohamed Azarudeen

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



police for the offences punishable under Section 294(b), 132 and 351(2) BNS, in Crime No.04 of 2025, seek anticipatory bail.

2. The case of the prosecution is that on 04.01.2025, while the respondent were on regular patrol duty, A1 was riding a two wheeler without wearing a helmet, and the respondent police registered a complaint against A1. At that time, A2 and A3 arrived at the scene and abused the respondent police using filthy language. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that insofar as 3rd petitioners is concerned, he has already been arrested and enlarged on bail and hence,he seeks permission of this Court to withdraw this petition and insofar as the 1st petitioner and 2nd petitioner are concerned, he prays to grant anticipatory bail to him.

4. The learned Government Advocate (Crl. Side) for the respondent confirms the facts and submits that the petitioners created a violent



disturbance in a public place against the police, while the police were discharging their official duties. Therefore, he opposes the grant of anticipatory bail.

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. Insofar as the 2nd petitioner is concerned, since he has 16 previous cases, this Court is not inclined to grant anticipatory bail to him and accordingly, this criminal original petition against the 2nd petitioner is dismissed. Insofar the 3rd petitioner is concerned, recording the submission made by the learned counsel for the petitioner, this Criminal Original Petition stands dismissed as withdrawn.

7. Considering the nature of allegations; that the similarly placed accused have already been enlarged on bail; and that custodial interrogation of the 1st petitioner is not required for the purpose of investigation, this



Court is inclined to grant anticipatory bail to the 1st petitioner, subject to the certain conditions:

8. Accordingly, the 1st 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 **Judicial Magistrate No.II, Nagapattinam**, on condition that the 1st 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 1st petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



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[c] the 1st petitioner shall not abscond either during investigation or trial;

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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
Internet: Yes/No
dpa

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To

1. The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam district.
2. The Judicial Magistrate No.II,
Nagapattinam.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

dpa

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