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Crl O.P.No.2955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2955 of 2025

Tamilselvam
S/o.Gopal, Sambuvarayan Kovil Street,
Pappireddipatti Post and Taluk, Dharmapuri
District.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Pappireddipatti Police Station, Dharmapuri
District. (Crime No.222 of 2024).

Respondent(s)

For Petitioner(s):

Mr.J.Pradeep

For Respondent(s):

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 Sections 191(2), 126(2), 115(2), 140(2) of the BNS and later altered @ Sections 191(2), 126(2), 115(2), 140(2), 308(2) and 308 of the BNS, in Crime No.222 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the *de facto* complainant was running a school and there was a dispute in the school management and the petitioner (A-6) along with the other accused persons abducted the *de facto* complainant and tortured him. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; the petitioner was arrayed as accused only based on the confession statement of co-accused; and that as the co-accused were arrested and released on bail, he may be released on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with the other accused persons due to dispute in school management had abducted and tortured the *de facto* complainant. He submitted that the other co-accused were arrested and released on bail and also confirmed that the petitioner is not a named accused in the FIR.



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

6. Considering the submissions made on either side and also nature of allegation, the fact that the co-accused were arrested and released on bail and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the **Judicial Magistrate Court, Pappireddipatti, Dharmapuri District** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the respondent police every day 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 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 [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To,

1.The State Rep by, The Inspector of Police,
Pappireddipatti Police Station, Dharmapuri District. (Crime No.222 of 2024).

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