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CRL OP No.2918 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No.2918 of 2025

Selva Jeganathan

.....Petitioner(s)

Vs

The State rep.by the Inspector of Police,
Palladam Police Station,
Chengalpattu District.
(Crime No.392 of 2024)

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023 to enlarge the petitioner on anticipatory bail in the event of the arrest pending investigation in Crime No.392 of 2024 on the file of the respondent police.

For Petitioner(s) : Mr.G.Saravanabhavan

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 126(2), 296(b), 118(1), 109, 351(3) of BNS Act in Crime No.392 of 2024, on the



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file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 21.09.2024, due to previous enmity, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted him with iron rod, due to which, the defacto complainant sustained injuries and admitted to hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and due to previous enmity, a false complaint has been foisted against the petitioner. He further submitted that only based on the confession statement of A1, the petitioner has been added as an accused and the name of the petitioner does not find place in FIR. He further submitted that no previous case is pending against the petitioner and that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the



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petitioner, submitted that due to previous enmity, the petitioner along with other accused abused the defacto complainant and assaulted with iron rod and caused serious injuries to the defacto complainant. He would further submit that no previous case is pending against the petitioner and the injured was discharged from the hospital.

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

6.Considering the nature of allegations and that no previous case is pending against the petitioner; the fact that the injured has been discharged from the hospital and that the custodial interrogation of the petitioner is not required for the purposes 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)



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days from the date on which the order copy was made ready, before the learned **Judicial Magistrate No.II at Maduranthagam**, on condition that the petitioner shall execute separate 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 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed



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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 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.

06.02.2025

rkp

To

- 1.The Inspector of Police,
Palladam Police Station,
Chengalpattu District.
2. The Judicial Magistrate No.II at Maduranthagam.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.
rkp

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