



WEB COPY



Crl OP No.3855 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3855 of 2025

1. Ahamed Basha
2. Jagabar Ali

Petitioner(s)

Vs

The Inspector of police
Muthuupettai Police Station,
Thiruvarur District.
Crime No.382 of 2024.

Respondent(s)

For Petitioner(s):

Murugesh Kasivel

For Respondent(s):

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 Sections 352, 353(2) of BNS & 4A(1a) of Tamilnadu Open Places (Prevention of Disfigurement) Act, 1959 in Crime No. 382 of 2024, seek anticipatory bail.



Crl OP No.3855 of 2025

WEB COPY

2. The case of the prosecution is that on 27.12.2024, due to wordy quarrel, the petitioners have abused the defacto complainant in filthy language. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that considering the nature of allegations, the custodial interrogation of the petitioners is not necessary and hence prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions submitted that the petitioners have several previous cases registered for the offences under the PPD L Act and other IPC offences between the years 2019 and 2021.

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 allegations, the fact that the petitioners



Crl OP No.3855 of 2025

are on bail in all their previous cases, and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Principle Sessions Judge, Thiruvarur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioners are directed to file an affidavit before the lower Court stating that not to circulate any misleading message to the general public.

[d] the petitioners shall not tamper with evidence or witness either



Crl OP No.3855 of 2025

during investigation or trial;

WEB COPY

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 [(2005)AIR SCW 5560]**;

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

17-02-2025

drl

To

1. The Inspector of police
Muthuupettai Police Station,
Thiruvarur District.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl OP No.3855 of 2025

SUNDER MOHAN, J

drl

CRL OP NO. 3855 of 2025

17.02.2025