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CRL OP NO. 3086 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12-02-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3086 of 2025

James

S/o Issac No. 5/39, 5th Street, Ottapalayam,
Vadapalani, Chennai

Petitioner(s)

Vs

The State Represented by,

The Inspector of Police R-10, M.G.R Nagar

Police Station Chennai (Crime No. 490 /2024)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in Crime No.490 of 2024 pending on the file of the
respondent police.

For Petitioner(s):

Mr.S Thirugnanam

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 294(b), 323, 384 and



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506 (i) of IPC, in Crime No.490 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused persons threatened the *de facto* complainant and took Rs.50,000/- in cash and further co-erced the *de facto* complainant to transfer a sum of Rs.50,000/- to one of the accused persons. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner is ready to abide by any condition that may be imposed by this Court; that the co-accused (A-5 and A-7) were arrested and released on bail; and that the custodial interrogation is not required in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there is one previous case as against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the fact that the incident took place on 12.01.2024; that the petitioner was arrested and released on bail in an other case; the petitioner was not arrested during the said period; co-accused were arrested and released on bail and custodial interrogation of the petitioner is not required for the investigation, 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 **Metropolitan Magistrate No.XVII, Saidapet, Chennai** on condition that the 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, 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 daily 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 Metropolitan Magistrate No.XVII, Saidapet,
Chennai

2.The Inspector of Police
R-10, M.G.R Nagar Police Station
Chennai

3.The Public Prosecutor,
Madras High Court,
Chennai

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