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CRL O.P. No.3284 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3284 of 2025

Kamesh S/o. Baskar

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
N2 Kasimedu Police Station,
Chennai. ... Respondent
[Cr. No.64 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.64 of 2025 on the file of the respondent police.

For Petitioner : Mr. Stephen Raj.B

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 126, 296(b), 115(2), 118(1), 109 and 351(3) of B.N.S. in connection with the case in Crime No.64 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that 24.01.2025, the petitioner along with other accused, abused the defacto complainant in filthy language, attacked using knife and wooden log and also threatened with dire consequences, due to which, the defacto complainant sustained injuries.

3. Learned counsel for the petitioner would contend that the petitioner is an innocent; that based on the complaint given by the defacto complainant, he has been falsely implicated in this case; that in fact, there is a complaint lodged by the petitioner against the defacto complainant in Cr. No.63 of 2025; that this is a case and counter case and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side), on instructions, would submit that petitioner is ranked as A2; that the injured was discharged and there is no previous case pending against the petitioner; that based on the complaint given by the defacto complainant, this case was registered and it is admitted that it is a case and counter case.

5. Heard the learned counsel 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, the fact that the injured was discharged from the hospital, that there is a case and counter case; that there is no previous case pending against the petitioner and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.



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7. 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 learned **XVI Metropolitan Magistrate, George Town, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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.**



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

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To

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1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, N2 Kasimedu Police Station, Chennai.

SUNDER MOHAN. J.,

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