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Crl OP No.4171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4171 of 2025

S.Muruganantham

... Petitioner

Versus

The State rep by
Inspector of Police,
Tambaram Police Station,
Tambaram.
Crime No.281 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.281 of 2024 on the file of the respondent police.

For petitioner : Mr.R.Vivekananthan

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 420 and 34 of IPC in Crime No.281 of 2024, seeks anticipatory bail.



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2. The case of the prosecution as per the defacto complainant Asha is that she got married to the first accused Arul on 31.08.2006 and due to wedlock, she delivered a male child on 15.10.2007 and later due to misunderstanding, the defacto complainant obtained decree of divorce from the first accused on 15.11.2022 and she has also filed domestic violence complaint and maintenance petition. It is alleged that the accused had not paid any maintenance to the defacto complainant or to her son so far. While they were together, defacto complainant's father in-law had settled a property in favour of her son and after the divorce, the accused based on the forged and fabricated documents, sold the property which was settled in favour of the minor son to the third party and thereby cheated the defacto complainant.

3. Learned counsel appearing for the petitioner would submit that the the petitioner is the brother of the first accused and in any case, the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the main accused was granted bail by this Court vide order dated 14.11.2024 in Crl.OP.No.28065of 2024.



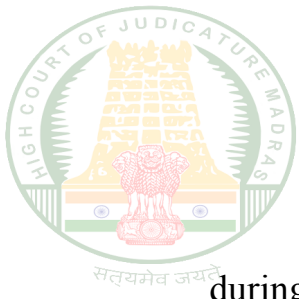
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the facts of the case and the co-accused was enlarged on bail, this court is of the view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, 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 on which the order copy is made ready, before the **Judicial Magistrate No.I, Tambaram**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

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



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[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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 is 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]**;

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

18.02.2025

Vv

To

1. The Judicial Magistrate-I,
Tambaram
2. The Inspector of Police,
Tambaram Police Station,
Tambaram.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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