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Crl.O.P.No.4543 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.03.2025

PRONOUNCED ON : 17.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4543 of 2025

1. Aashik S

2. Lidhwan V

... Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

J-12, Kanathur Police Station,

[Cr.No.16 of 2025]

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.16 of 2025, on the file of the respondent police.

For Petitioners : Mr.P.V.Ravichandran

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126 (2), 296(b), 324(2), 351(2) of BNS, 2023 r/w Section 4 of the Women

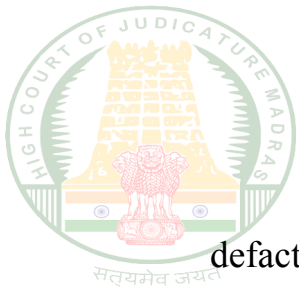


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Harassment Act in Crime No.16 of 2025, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that on 25.01.2025 at 3.15 a.m. the petitioners and other accused, who are college students had driven their cars in a rash and negligent manner, yelling at passers-by in obscene language; that around 3.45 a.m., at Kanathur signal, the car in which the petitioners' travelled, cornered the car of the defacto complainant, who was travelling along with her friends; that the petitioners attempted to break open the window and demanded that all the passengers should come out of the car; and that when the defacto complainant managed to go to her apartment on the intervention of his neighbours, the accused fled away from the scene.

3. The learned counsel for the petitioners submitted that both the petitioners are aged about 19 years and they are students in a private college pursuing Bachelor of Business Administration [BBA] Degree; that the petitioners were only passengers; that the alleged incident has been wrongly projected as if the petitioners had chased the car of the



defacto complainant; that in any case, considering the nature of allegations, custodial interrogation of the petitioners, is not required for the purpose of investigation and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) while opposing the petition for grant of anticipatory bail, reiterated the prosecution case and submitted that this incident was widely published in all the Media; that the petitioners along with other accused projected themselves as members of the political party, and startled the defacto complainant and her family members; that the co-accused were arrested and released on bail and if the petitioners are let out on bail, they would continue to indulge in other similar activities.

5. The alleged incident is said to have been taken place on 25.01.2025. The allegation against the petitioners and the other accused is that they had driven the vehicle in a rash and negligent manner and had caused nuisance to the road users, especially the defacto complainant and had threatened the defacto complainant and her friends. The co-accused were arrested and released on bail.

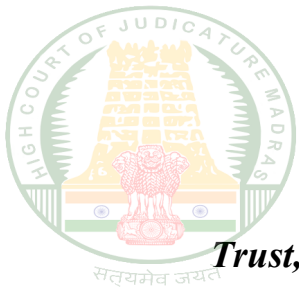


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6. According to the petitioners, they had only travelled in a car and they did not commit any offence. It is not in dispute that the incident has been widely reported in media. It is also not in dispute that the incidents of rash driving and road rage is prevailing in the said road. Though, this Court is of the view that considering the nature of the allegations the custodial interrogation of the petitioners may not be required, since the petitioners are young. However, they also need to realise that such behaviour on the road cannot be countenanced. Hence, this Court is inclined to grant anticipatory bail imposing a condition for their release, which would possibly deter them from indulging in similar activities in future.

7. Accordingly, it is ordered as follows:

(i) the petitioners shall pay **Rs.25,000/- [Rupees Twenty Five Thousand Only]** each as donation to a Non-Governmental Organisation viz., ***Akshaya Trust***, having office at No.99, Royapettah High Road, Rangaiah Garden, Mylapore, Chennai – 600 004 [Mobile No.92449 13690] and shall also do voluntary services for three days at ***Akshaya***



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Trust, No.5, Noombal Road, Velappanchavadi, Kattupakkam, Chennai

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– **600 077** [Mobile No.70101 91233] and the above shall be complied within a period of fifteen days from the date of receipt of a copy of the order.

(ii) thereafter, on production of payment of donation and production of a Certificate of Compliance, issued by the person in-charge of the said Trust, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days thereafter, before **the learned Judicial Magistrate, Sholinganallur**, on condition that the petitioners shall execute a separate 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 and on further condition that:

[a] the petitioners 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 Petitioners shall report before the



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respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

17.03.2025

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SUNDER MOHAN., J.

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To

- 1.The Judicial Magistrate, Sholinganallur.
2. The Inspector of Police,
J-12, Kanathur Police Station
3. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.4543 of 2025

17.03.2025