



Crl.OP.No.7007 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7007 of 2025

Rajesh

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kandili Police Station,
Tirupathur District.
(Crime No.631 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.631 of 2024 on the file of the respondent Police.

For Petitioner : M/s.R.Parthiban

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 Section 126(2), 127(2), 296(b),
115(2), 118(1), 351(3), 309(4), 140(2), 109(2), 3(5) of BNS in Crime



No.631 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner on account of previous enmity between the petitioner and the victim, who is the husband of the defacto complainant, the petitioner and others assaulted the victim and his son with the intention of murdering and extorting money from them.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that this is the 2nd anticipatory bail application of the petitioner and the 1st anticipatory bail application was dismissed as withdrawn on 05.02.2025. He further submitted that the injured has been discharged from the hospital; that the co-accused was released on bail; that the petitioner has no bad antecedents.



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5. Though the earlier anticipatory bail application was dismissed as withdrawn on 05.02.2025 in Crl.O.P.No.1839 of 2025, the petitioner has not been arrested so far. However, after the 1st anticipatory bail application was dismissed as withdrawn, the co-accused was granted bail. Considering the aforesaid facts, the nature of allegations, the injured has been discharged from the hospital and the petitioner has no bad antecedents and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the **Judicial Magistrate-II, Tirupathur**, 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 condition that:

[a] the petitioner and the sureties shall affix their photographs and



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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 appear 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.

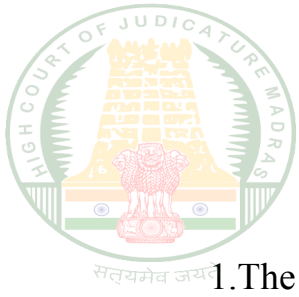
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

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Index : Yes / No
Internet : Yes / No
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To



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1. The Inspector of Police,
Kandili Police Station,
Tirupathur District.
2. The Judicial Magistrate-II,
Tirupathur.
3. The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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