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Crl OP No.4875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4875 of 2025

Nattamai Alias Gopalakrishnan

... Petitioner

Versus

The State rep by
The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur, Tiruvallur District.
Crime No.567 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 by the respondent police in Cr.No.567 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.M.P.Saravanan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2) and 109 of BNS, 2023 in Crime No.567 of 2024, seeks



anticipatory bail.

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2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,50,000/- from A1 and not paid the same, for which, A2 and A3 came to his Village, restrained and threatened him at knife point to return the loan amount; that A3 abused and assaulted the defacto complainant by using hands.

3. The learned counsel appearing for the petitioner submitted that the defacto complainant owed a sum of Rs.1,50,000/- to the first accused, but, he did not repay the same; that the petitioner along with others had questioned the defacto complainant; that the allegation that accused attacked him with hands is 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 on instructions submitted that the injured has been discharged from the hospital and there are two previous cases against the petitioner and he is on bail in those cases.



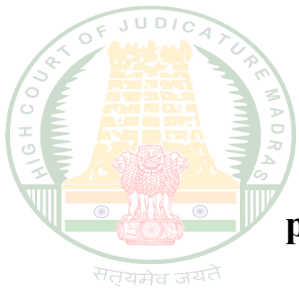
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5. Considering the nature of allegations, the fact that the injured has been discharged from the hospital and the petitioner is on bail in the other cases and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

6. 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 ***learned Judicial Magistrate-I, Thiruvallur*** 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 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



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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 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]**;

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

24.02.2025

Vv/ars

To

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



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SUNDER MOHAN, J.

Vv/ars

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