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CRL O.P. No.5017 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. Hanish S/o. Farith
2. Manigandan S/o. Raju
3. Ramkumar @ Rakesh S/o. Gopal ... Petitioners / A2 to A4

Vs

State rep. by:-

The Inspector of Police,
Vellore North Police Station,
Vellore District. ... Respondent
[Cr. No.33 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in Crime No.33 of 2025 on the file of the respondent police.

For Petitioner : Mr.Thangavel. M.R.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offence punishable under Sections 3(1) of TNPPDL Act and Sections 115(2), 296(b), 329(3) and 351(2) of B.N.S. in connection with the case in Crime No.33 of 2025, seek anticipatory bail.

2. The case of the prosecution is that A1 trespassed into the defacto complainant's premises and after a wordy quarrel, he along with the petitioners (A2 to A4) assaulted the defacto complainant, caused damage to the properties and also threatened him.

3. Learned counsel for the petitioners would contend that the petitioners are innocent; that dispute is between the A1 and the defacto complainant; that there is no specific overt act attributed as against these petitioners; that A1 was granted anticipatory bail and on cancellation of anticipatory bail, he was arrested and he is still in custody; that these petitioners have nothing to do with A1 and they have not indulged in any illegal activities as alleged by the prosecution; that based on the



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confession of A1, these petitioners are sought to be implicated in this case; and that in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that A1 was arrested and he is still in custody; that A2 has 3 previous cases and A3 has one previous case, however, they are on bail, in all those cases and A4 has no previous 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 main accused A1 was arrested and based on his confession, these petitioners are sought to be implicated, the fact that A2 and A3 are on bail, in the other cases, A4 has no previous cases and since the custodial



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interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are 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 **Judicial Magistrate No.IV, Vellore** on condition that the petitioners shall each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 respondent police**



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everyday at 10.30 a.m., until further orders;

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[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]; and

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

25.02.2025

mjs

To

- 1.The Judicial Magistrate No.IV, Vellore.
2. The Public Prosecutor, High Court, Madras.

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3. The Inspector of Police, Vellore North Police Station, Vellore District.

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SUNDER MOHAN. J.,

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