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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6941 of 2025

M.Hariharasuthan ...Petitioner/Accused-4

Vs.

State rep by
The Inspector of Police,
J-1, Saidapet Police Station,
Chennai – 600 015.

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to grant anticipatory bail in the event of arrest on the Crime No.127 of 2024 for the alleged offences under Sections 294(b), 323, 324, 397 and 506(ii) of IPC and prevent the petitioner from arrest and pass appropriate orders.

For Petitioner : Mr.Santhosh Gopi

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

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ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.127 of 2024 registered for the offences under Sections 294(b), 323, 324, 397 and 506(ii) of IPC

2.The case of the prosecution is that due to previous enmity, on 08.04.2024, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted him with deadly weapons, due to which, the defacto complainant sustained injuries and admitted to hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that in any case, the other accused A1 to A3 were arrested and released on bail and that the injured has been discharged from the hospital and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and confirming the fact that the petitioner has no bad antecedents and the injured was discharged from the hospital.

5. Considering the nature of allegations against the petitioner and the fact that the injured has been discharged from the hospital; that the petitioner has no bad antecedents; that A1 to A3 were arrested and released on bail 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, 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 made ready, before the learned **Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with

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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 said Magistrate, on further condition 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 Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 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 B.N.S.

11.03.2025

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Copy to:

1.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai – 600 015.

2.The Metropolitan Magistrate, Saidapet, Chennai.

3.The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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