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Crl.O.P.No.5119 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5119 of 2025

Balaji

... Petitioner/A2

Vs.

State, Rep. by Inspector of Police
Keevalur Police Station,
Nagapattinam District.
(Crime No.95 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.95 of 2025, on the file of the respondent Police.

For Petitioner : Mr.J.Jawahar

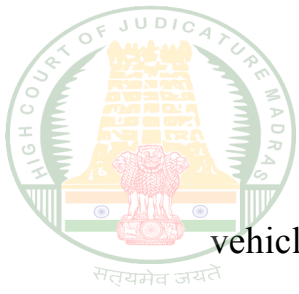
For Respondent : Mr.S.Leonard Arul Joseph Selvam

Government Advocate (Crl.Side)

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS in Crime No.95 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner had driven a



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vehicle in a rash and negligent manner; that when it was questioned by the defacto complainant, a wordy quarrel arose, as a result of which, the petitioner had attacked the defacto complainant and his friend with a beer bottle and thus, committed the aforesaid offence.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, and prayed for anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner is A2 and has thirteen previous cases, out of which some are for offences under the Prohibition Act and others are for offences under Sections 294(b), 337 and 323 IPC and the petitioner is on bail in all those cases. He further submitted that the injured in this case has been discharged from the hospital.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

7. Considering the nature of allegations; the fact that the petitioner is on bail in the previous cases; the petitioner is willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme; the injured has been discharged from the hospital, 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 petitioners with certain conditions.

8. Accordingly, the petitioner is directed to make a non-



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refundable deposit of **Rs.10,000/- [Rupees Ten Thousand Only]**

directly to the credit of “**District Legal Services Authority, Nagapattinam**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 of receipt of copy of this order, before the **learned District Munsif cum Judicial Magistrate, Kilvelur**, on condition that the petitioner shall execute a bond for 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 said Magistrate, on further condition that:

[a]the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

[c]the petitioner shall not tamper with



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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 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 of B.N.S.

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SUNDER MOHAN, J.

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To

1.The District Munsif cum Judicial Magistrate,
Kilvelur.

2.The Inspector of Police
Keelvalur Police Station,
Nagapattinam.

3.The Public Prosecutor,
High Court of Madras.

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