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CrI.OP.No.5148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5148 of 2025

Vivin @ Balaji

Petitioner(s)

Vs

The State Rep by,
The Spl.Sub-Inspector of Police,
Ashok Nagar Police Station,
Chennai District.
(Crime No. 56/2025)

Respondent(s)

For Petitioner(s):
Mr.RParthiban

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.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), 118(1), 351(3) of BNS, r/w Section 4 of TNPHW Act, in Crime No.56 of 2025, on the file of the respondent police, seeks anticipatory bail.



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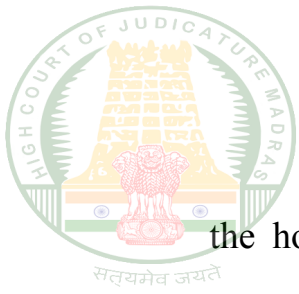
2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant; abused her in filthy language; and that assaulted the defacto complainant and her family members; and also threatened them with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false, and in any case, the custodial interrogation of the petitioner is not necessary, and hence he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the injured is discharged from the hospital.

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, injured is discharged from



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the hospital and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions

7. 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 of receipt of a copy of this order, before the learned **XVII Metropolitan Magistrate, Saidapet, Chennai**, on condition that each petitioner shall 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 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 everyday at 10.30 a.m., until further orders.



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[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

26.02.2025

drl

To

1. The Spl.Sub-Inspector of Police,
Ashok Nagar Police Station,
Chennai District.



2. The Public Prosecutor,
Madras High Court, Chennai.

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SUNDER MOHAN, J.

drl



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