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Crl.O.P.No.5097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5097 of 2025

1. Arun
2. Muthu

...Petitioners/Accused

Vs.

The State Rep. by
The Inspector of Police,
Kandili Police Station,
Tirupathur District.
(Crime No.631 of 2024)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
their arrest at the hands of the respondent police concerned in
Crime No.631 of 2024.

For Petitioners : Mr.R.Parthiban

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

ORDER



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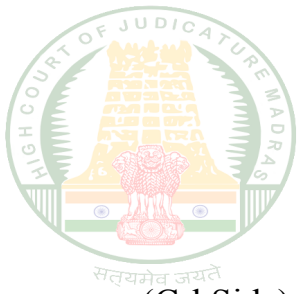
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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 127(2), 296(b), 115(2), 118(1), 351(3), 309(4), 140(2), 109(2), 3(5) of BNS (U/s 341, 342, 294, 323, 324, 506, 392, 364A, 307 and 34 of the IPC) in Crime No.631 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners, along with other accused, restrained the *de-facto* complainant and his son, assaulted them, and also extorted money from them. Hence, the case.

3. Mr. R. Parthiban, the learned counsel for the petitioners, submitted that the co-accused were arrested and released on bail; that the petitioners sought to be implicated only based on the confession of the co-accused; that the custodial interrogation of the petitioners is not required; that some of the co-accused were arrested and released on bail by this Court vide its orders dated 28.01.2025 and 03.02.2025 in Crl.O.P.NO.1972 of 2025 and Crl.O.P.No.1716 of 2025; and that the petitioners have no bad antecedents and sought for anticipatory bail to the petitioners.

4. Mr.Leonard Arul Joseph Selvam, the learned Government Advocate



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(Crl.Side) for the respondent, reiterated the prosecution case and confirmed the fact that some of the co-accused were arrested and released on bail by this Court and submitted that the petitioners have no bad antecedents.

5. Considering the nature of the allegations against the petitioners, the fact that the co-accused were arrested and some of them have been released on bail by this Court, and the fact that the petitioners have no bad antecedents and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned *Judicial Magistrate, No. II, Tirupathur*, on condition that the petitioners shall execute a bond for a sum of **Rs. 10,000/- (Rupees Ten Thousand only)**, each 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 sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners 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.

28.02.2025

dk

To

1.The Judicial Magistrate, No.II,
Tirupathur.



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2.The Inspector of Police,
Kandili Police Station,
Tirupathur District.

3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
dk

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