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Crl OP No.5256 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5256 of 2025

1. Ramamoorthy
2. Ramesh

... Petitioners

Versus

State rep.by
The Inspector of Police,
Avalur Police Station,
Ranipet District.
Crime No.76 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on anticipatory bail in the event of the arrest pending investigation in Cr.No.76 of 2025 on the file of the respondent police.

For petitioners : Mrs.R.Rayeesa Fathima

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section, 296(b), 118(1), 351(2) of BNS Act in Crime No.76 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that A1, A2 and the defacto complainant are partners and running a marriage hall in the name of Srivari; that accused A1 and A2 had not rendered any accounts to the defacto complainant and had cheated him of the profits; that when he questioned about the same , they have abused him in filthy language and assaulted the defacto complainant and caused injury.

3. Learned counsel appearing for the petitioners submitted that the allegations are false; that infact the petitioners had lodged a complaint in Cr.No.76 of 2025 against the defacto complainant; that it is a case of dispute between partners and considering the nature of allegations, the custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, he prays for anticipatory bail.

4.Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that it is a case of dispute between the partners and there is a counter case.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.



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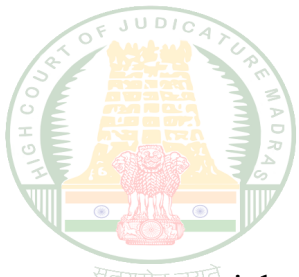
6. Considering the nature of allegations the fact that it is a dispute between the partners, there is a counter case, this court is of the view that, custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***learned Judicial Magistrate-II, Walaja*** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 station daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[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 are 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 BNS.

27.02.2025

Vv

To

1. The Judicial Magistrate-II,
Walaja.
2. The Inspector of Police,
Avalur Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.



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