



WEB COPY

Cr1.O.P.No.5106 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.5106 of 2025

P.Kandasamy

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Moolanur Police Station
Tiruppur District
(Crime No.36 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.36 of 2025, on the file of the respondent Police.

For Petitioner : Mr.Prabakar Ramasamy

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

The petitioner, 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.36 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, on 16.02.2025 due to previous enmity, the accused assaulted the defacto complainant and threatened him with dire consequences.



WEB COPY

3.Learned counsel appearing for the petitioner would submit that the petitioner is aged 70 years and is an innocent person and he has been falsely implicated in this case; that the petitioner has never committed any offence as alleged by the prosecution; that on 15.02.2025, the defacto complainant had attacked the petitioner and he had lodged a complaint; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4.Learned Public Prosecutor (Puducherry) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instruction submitted that the injured has already been discharged from the hospital and it is a case in counter.

5.Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) appearing for the respondent police and perused the materials available on record.

6.Taking note of the facts and circumstances of the case, nature of allegations, age of the petitioner, submissions made by the learned counsels on either side, that there is a counter case, the fact that the injured has already been discharged from the hospital and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail



to the petitioner with certain conditions.

WEB COPY

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 on which the order copy made ready, before **the learned Judicial Magistrate, Dharapuram**, on condition that the 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 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 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,



WEB COPY

Cr1.O.P.No.5106 of 20

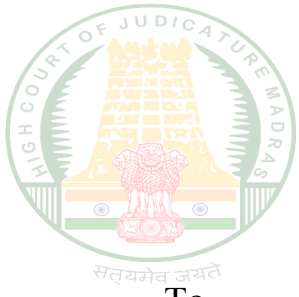


the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State 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.

26.02.2025

ars



CrI.O.P.No.5106 of 20

SUNDER MOHAN, J.
ars

To
WEB COPY

1.The Judicial Magistrate,
Dharapuram.

2.The Inspector of Police
Moolanur Police Station
Salem District

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.5106 of 2025

26.02.2025