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CrI.O.P.No.5188 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5188 of 2025

Dhanabalan

... Petitioner

Vs.

State, Rep. by Inspector of Police
Edaiyur Police Station,
Tiruvarur District – 610 001.
(Crime No.17 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.17 of 2025, on the file of the respondent Police.

For Petitioner : Mr.Nirmal Aditya

For Respondent : Mr.S.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), 119(2), 296(b), 115(2), 351(3) of BNS Act (341, 329, 294, 323 and 506 of IPC) in Crime No.17 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the defacto complainant and the petitioner belong to same village; that due to previous enmity between both the parties, on the date of occurrence, A1 assaulted the defacto complainant with a



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knife on the head, A2 assaulted the defacto complainant with knife on the hands and the other accused jointly kicked and assaulted him with iron rods; and thus, committed the 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; 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 Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner herein is A2 and the occurrence took place due to a clash between two groups and that the petitioner has no bad antecedents. He further submitted that the defacto complainant sustained head injuries, got admitted in hospital and later discharged.

5.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.

6.Taking note of the facts and circumstances of the case, nature of



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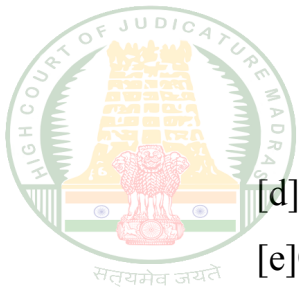
allegations against the petitioner, submissions made by the learned counsels on either side, the fact that the injured has been discharged from the hospital; the fact that the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 cum Munsif, Thiruthuraipoondi**, 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 stay at Vellore and report before the Inspector of Police, Town Police Station, Vellore, daily at 10.30 a.m., until further orders.

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

26.02.2025

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SUNDER MOHAN, J.

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- To
- 1.The Judicial Magistrate cum Munsif, Thiruthuraipoondi.
 - 2.The Inspector of Police
Edaiyur Police Station,
Tiruvarur District – 610 001.
 - 3.The Inspector of Police,
Town Police Station,
Vellore.
 - 4.The Public Prosecutor,
High Court of Madras.

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