



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5235 of 2025

Ramesh Prabu

... Petitioner/A1

Vs.

State Rep. by
The Inspector of Police
Vaduvor Police Station,
Vaduvur,
Tiruvarur 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.V.Sivalingam

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 296(b), 118(1), 351(2) 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 the petitioner and the defacto



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complainant are adjacent land owners and due to previous enmity with regard to land dispute, the petitioner and the other accused assaulted the defacto complainant with knife and caused injuries; and thus committed the aforesaid offences

3.Learned counsel appearing for the petitioner would submit that the petitioner is the real victim and on 01.02.2025, the petitioner was brutally assaulted by the defacto complainant and he is under treatment till date; and that this is a case in counter 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 instruction submitted that the injured has already been discharged from the hospital and that there is a counter case. He further submitted that there is one previous case against the petitioner and he is on bail in that case.

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 allegations, 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 the petitioner is on bail in the other case, this Court is of the view that custodial interrogation is not required for the purpose of investigation and 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 No.I, Mannarkudi**, 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



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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.

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SUNDER MOHAN, J.

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1.The Judicial Magistrate No.1,
Mannarkudi.

2.The Inspector of Police
Vaduvoor Police Station,
Vaduvur,
Tiruvarur District.

3.The Public Prosecutor,
High Court of Madras.

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