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Crl.O.P.No.5608 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.5608 of 2025

E.Surya

...Petitioner/Accused No.2

Vs.

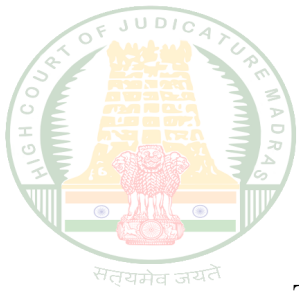
The State Rep. By
The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.
Crime No.26 of 2025

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
his arrest in Crime No.26 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Manimaran

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



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3), and 109 of the Bharatiya Nyaya Sanhita Act, 2023 (Sections 294(b), 323, 324, 506(ii), and 307 of IPC) in Crime No. 26 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.01.2025 at about 10.20 p.m., the petitioner, along with his associates in an inebriated condition, assaulted the *de-facto* complainant and his friends with hands, attempted to attack him with an iron rod, and threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The 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 injured has been discharged from the hospital.



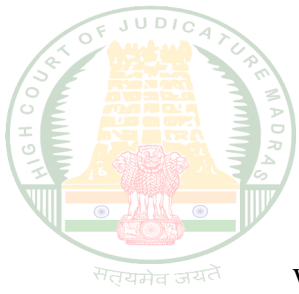
5. Considering the nature of the allegations, the fact that the injured has been discharged from the hospital and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.I, Thiruvallur**, on condition that the petitioner shall execute a 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 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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



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[d] the petitioner 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 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.

28.02.2025

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To

- 1.The Judicial Magistrate No.I,
Thiruvallur.
- 2.The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.

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