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Crl.O.P.No.5464 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.5464 of 2025

Santhosh

...Petitioner /Accused No.2

Vs.

The State by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.318 of 2024)

...Respondent/Complainant

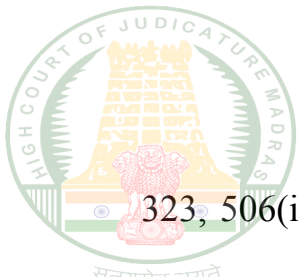
PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.318 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 296(b), 115(2), 351(2), 303(2) (NP) of the BNS Act, 2023 (U/s 147, 441, 294(b),



323, 506(ii), 379 (NP) of the I.P.C.) in Crime No.318 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner, along with other accused, trespassed into the land belonging to the de facto complainant; that they stole tapioca plants from the land of the *de-facto* complainant; that the *de-facto* complainant questioned the accused about the same; that a wordy quarrel arose between the accused and the *de-facto* complainant; and that the *de-facto* complainant was abused by the accused in filthy language and threatened with dire consequences. Hence, the complaint.

3. Learned counsel for the petitioner/A2 would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution; that he has been falsely implicated in this case; that the co-accused in this case were granted anticipatory bail by this Court by its order dated 19.02.2025 in Crl.O.P.No.4232 of 2025 and sought anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the



Crl.O.P.No.5464 of 2025

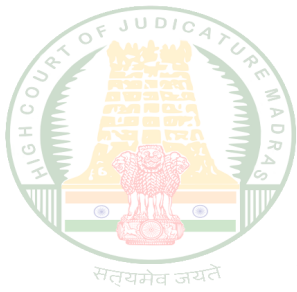
co-accused were granted anticipatory bail by this Court in Crl.O.P.No.4232 of 2025 dated 19.02.2025.

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

6. Considering the submissions made on either side, the nature of the allegation, the fact that the co-accused have already granted anticipatory bail and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Palacode**, 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:



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Crl.O.P.No.5464 of 2025



[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;

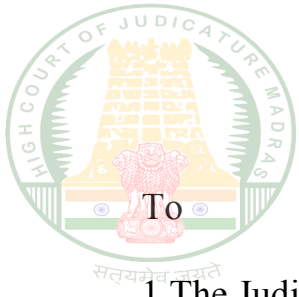
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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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Crl.O.P.No.5464 of 2018

To

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- 1.The Judicial Magistrate, Palacode.
- 2.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5464 of 2025

SUNDER MOHAN,J.

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Crl.O.P.No.5464 of 2025

28.02.2025