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Crl.O.P.No.5537 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5537 of 2025

1.S.Deenadhayalan

2.R.Gagendran

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Vikravandi Police Station,
Vikravandi,
Villupuram District – 605652.

(Crime No.105 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.105 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Sundaravadanam

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



ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent police, seeking anticipatory bail in Crime No.105 of 2025 registered for the offence under Sections 296B, 115(2), 351(3) of BNS r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The case of the prosecution is that there is a dispute between the petitioners and the defacto complainant with regard to the sale of the property belonging to the defacto complainant and that on the date of occurrence on account of the said prior enmity, the petitioners abused the defacto complainant in filthy language, assaulted and threatened her with dire consequences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; and that they have no bad antecedents and hence, they sought for grant of anticipatory bail.



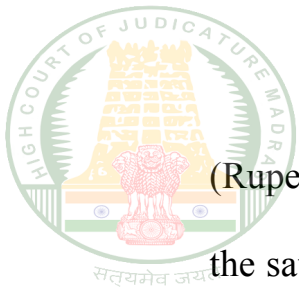
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4.Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioners, reiterated the prosecution case and on instructions submitted that the petitioners have no bad antecedents.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the nature of the allegations, the fact that the petitioners have 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 petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned District Munsif cum **Judicial Magistrate, Vikravandi, Villupuram District**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/-



(Rupees Ten Thousand only) each 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:

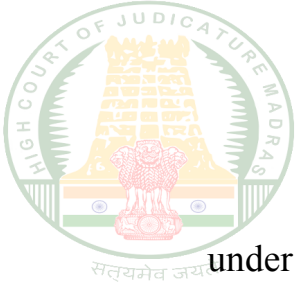
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Cuddalore and report before the Cuddalore Old Town Police Station everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

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Copy to:

1.The Inspector of Police,
Vikravandi Police Station,
Vikravandi,
Villupuram District – 605652.

2.The District Munsif cum Judicial Magistrate,
Vikravandi, Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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