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CRL O.P. No.5665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

**CORAM:**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL O.P. No.5665 of 2025**

Prakash S/o. Anbu

... Petitioner / Accused

Vs

**State rep. by:-**

The Sub-Inspector of Police,  
Kandili Police Station,  
Tirupathur District.  
[Cr. No.40 of 2025]

... Respondent

**PRAYER:** - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.40 of 2025 on the file of the respondent police.

For Petitioner : Mr.R. Parthiban

For Respondent : Mr. S. Santhosh,  
Government Advocate  
[Criminal side]

**ORDER**

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offence punishable under Sections 25(1B)(a), 27(1) of Arms Act 1959 read with Section 118(1) of BNS in connection with the case in Crime No.40 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was riding a two wheeler, in which, A1 was riding pillion; that A1 had used country made gun for the purpose of hunting and that the bullet accidentally injured the defacto complainant.

3. Learned counsel for the petitioner would contend that even according to the prosecution, A1 had fired for the purpose of hunting and had no intention to cause injuries to the defacto complainant and that A1 was arrested; and that in any case, custodial interrogation of the petitioner is not required and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to



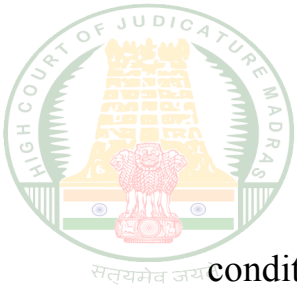
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the petitioner, reiterated the prosecution case and on instructions, submitted that A1 was arrested and he is still in custody.

5. Considering the aforesaid facts and circumstances, the nature of allegations against the petitioner 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 on 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 days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Tirupathur** on condition that the petitioners shall each 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



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conditions that:

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[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 on everyday 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**



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

03.03.2025

mjs

To

- 1.The Judicial Magistrate No.II, Tirupathur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub-Inspector of Police, Kandili Police Station, Tirupathur District.

**SUNDER MOHAN. J.,**

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