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Crl.O.P.No.5628 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

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

Crl.O.P.No.5628 of 2025

M.Nagaraj

...Petitioner

Vs.

The Inspector of Police,
Thiruverkadu Police Station,
Avadi.
(Crime No.4 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.4 of 2025, on the file of the respondent police.

For Petitioner : Mr.C.Raghavan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(3) and 329(3) of



the BNS Act and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages and Loss Act, 1992) in Crime No.4 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, trespassed into the land belonging to the *de-facto* complainant, caused damage to the compound wall; and that a wordy quarrel arose between the *de-facto* complainant and the petitioner and the other accused. As a result of which, the petitioner abused the *de-facto* complainant in filthy language and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.861 of 2025 dated 20.01.2025; and that in any case, custodial interrogation 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 confirmed the fact that the co-accused in this



case has already been granted anticipatory bail by this Court in Crl.O.P.No.861 of 2025 dated 20.01.2025.

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5. Considering the submissions made on either side, the nature of the allegation, the fact that the co-accused has already been 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:

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 II, Poonamalle**, 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;



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[b] the petitioner shall report before the respondent Police, as and when required for the interrogation;

[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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To

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- 1.The Judicial Magistrate II,
Poonamalle.
- 2.The Inspector of Police,
Thiruverkadu Police Station,
Avadi.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.

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