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CRL OP NO.5790 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5790 of 2025

Murugan

petitioner

Vs

State Rep By,
The Inspector Of Police
Thirukkanur Police Station,
Pondicherry
(Cr.No 24 of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No. 24 of 2025 pending
on the file of the respondent police.

For de facto complainant : Mr.M.Dinesh

For Respondent : Mr.K.S.Mohandoss,
Assistant Public Prosecutor,Puducherry,
Assisted by Ms. Thenmozhi



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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) and 118(1) of the BNS Act in Crime No. 24 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on account of previous enmity, the petitioner had attacked the de facto complainant on his head with a spade and that he caused injuries to him.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and in any case custodial interrogation of the petitioner is not required for the purpose of interrogation.

4. The learned counsel for the de facto complainant vehemently opposed the grant of anticipatory bail to the petitioner and submitted that the petitioner has committed offence under Section 307 of IPC which is equivalent to Section 109 of the BNS and hence, no indulgence must be shown to the petitioner.



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5. The learned Additional Public Prosecutor, Puducherry appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the injured has been discharged from the hospital.

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

7. Considering the nature of allegations, that the injured was discharged from hospital, this Court is of the view that custodial interrogation is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. **However, the petitioner shall stay at Villupuram, until further orders.**

8. 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 on which the order copy made ready, before **Judicial Magistrate IV, Puducherry** on condition that the petitioner shall execute



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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 condition that:

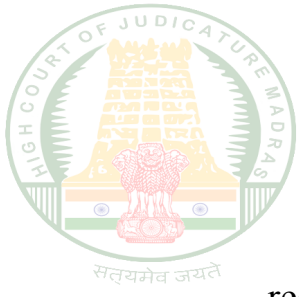
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Villupuram Town Police station everyday at 10:30 a.m., for a period of two weeks and thereafter as and when required.

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



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

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SUNDER MOHAN, J.

vca

To

1. The Inspector Of Police
Thirukkanur Police Station,
Pondicherry
(Cr.No 24 of 2025)
2. The Judicial Magistrate IV, Puducherry
3. The Public Prosecutor,
High Court Madras.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

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