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Crl.OP.No.7100 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7100 of 2025

Umapathi ... Petitioner /Accused

Vs.

The State rep. by
Inspector of Police,
Periyapalayam Police Station,
Tiruvallur ... Respondent/ Complainant
Crime No.64 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.64 of 2025 on the file of the respondent police pending investigation.

For petitioner : Mr.K.Karthik
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 329 and 351(3) of BNS, 2023 and Section 4 of the Prohibition of Harassment of Women Act, 2002, in Crime No.64 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on account of prior enmity, the petitioner attacked the defacto complainant with spade and abused her in filthy language.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; 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

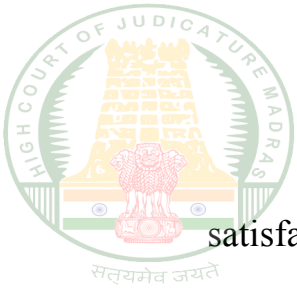


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respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that injured has been discharged from the hospital; and that the petitioner has no bad antecedents.

5. Considering the nature of allegations, the fact that the injured has been discharged from the hospital; the petitioner has no bad antecedents and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy is made ready, before the **Judicial District Munsif cum Judicial Magistrate Court, Uthukottai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 appear before the respondent police daily 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



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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 BNS.

12.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. Inspector of Police,
Periyapalayam Police Station, Tiruvallur
2. The Public Prosecutor,

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3. Judicial District Munsif -cum- Judicial Magistrate Court, Uthukottai.

SUNDER MOHAN, J.

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