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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7132 of 2025

1.B.Subakar
2.Amal Raj

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai, Chennai.

(Crime No.132 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.132 of 2025 on the file of the respondent police.

For Petitioners : Mr.V.Ramamurthy

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

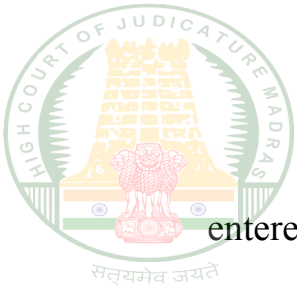


ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 27.02.2025, seeking bail in Crime No.132 of 2025 registered for the offence under Sections 121(1), 109, 49 of BNS, 2023 and Sections 28 and 30 of Arms Act, 1959.

2.It is the case of the prosecution that the Sub Inspector of Police, Valasaravakkam Police Station had pasted a notice under Section 35(3) of BNSS, 2023 in the main gate of the house of a political leader on 27.02.2025 at 12.30 p.m; that the first petitioner herein tore the said notice for which the Sub Inspector of Police attached to the Valasaravakkam Police Station had lodged a complaint to the Inspector of Police, J-8 Neelankarai Police Station on the same day at 13.10 hours and a case in Crime No.131 of 2025 was registered by the respondent police herein. It is the further case of the prosecution that the respondent police therefore went to the residence of the said political leader once again at 13.30 hours and when they tried to open the front gate, the first petitioner directed the second petitioner not to open the gate and that the second petitioner had



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entered into a wordy quarrel with the police officials and prevented them from entering into the house and there was a physical altercation also and thus they have committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that the allegations are false; that the petitioners had not prevented the police officials from entering into the house; that there was no need of the respondent police to once again visit the house of the said political leader since the alleged offences committed by A1 relates to tearing of the notice on the wall; and that in any case, considering the period of incarceration, the petitioners may be granted bail.

4.Per contra, the learned Government Advocate (Crl. Side) for the respondent police submitted that the respondent police heard the voice of the first petitioner who directed the second petitioner to prevent any third party from entering into the house, as a result of which, the second petitioner, who claimed to be the Personal Security Officer of the said political leader, had indulged in physical assault on the police officials and



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had also shown his pistol and caused injuries to the police officials. He submitted that fortunately, since the spring of the pistol was removed, no untoward incident took place and that the petitioners have committed serious offences and hence no indulgence should be shown to them. He further submitted that the second petitioner though had license to hold a pistol, it is only for his personal use and not for acting as a security officer for another person and sought for dismissal of the bail petition.

5. Heard the learned counsel on either side and perused the materials available on record, including FIR and the allegations against the petitioners.

6. It is not in dispute that the second petitioner had a licensed gun. The question as to whether the license was meant for his personal use or can be used for acting as security officer for another person is for the trial Court to decide. Admittedly, the petitioners have no previous antecedents.



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7. Considering the nature of allegations and the period of incarceration, this Court is of the view that further custody of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Sholinganallur, Chennai**, and on further conditions 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 report before the **Flower Bazaar Police Station, Chennai, everyday at 10.30 a.m., until further orders;**

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



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[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.

13.03.2025

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Copy to:

- 1.The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai, Chennai.
- 2.The District Munsif cum Judicial Magistrate, Sholinganallur, Chennai.
- 3.The Superintendent of Prison,
Central Prison – II, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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