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CRL OP No. 8524 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 8524 of 2025

Kasinalamaharaja
S/o.Kasinathan, No.1/97, West Street,
Athalaiyur, Nagapattinam District.

Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam District.
(Cr.No.4/2025)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge this Petitioner on Second anticipatory bail on the event of his arrest in Cr.No.4/2025 Pending on the file of the Inspector of Police, Thirukkannapuram Police Station, and pass such other or further order, orders as this Court may deem fit and proper in the circumstances of the case and render justice.

For Petitioner(s): Mr.M.Mohamed Azharudeen

For Respondent(s): Mr.S.Balaji
Government Advocate



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 132 and 351(2) of BNS in Crime No.4 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 04.01.2025 around 17.30 hrs, when the respondent police were on regular patrol duty, A1 was riding a two wheeler without wearing a helmet, and the respondent police registered a complaint against A1. At that time, the petitioner and A3 arrived at the scene of occurrence and abused the respondent police using filthy language. Hence, the case.

3. This is the second anticipatory bail petition before this Court. The earlier anticipatory bail petition in Crl.O.P.No.2814 of 2025 was dismissed against the petitioner on 05.02.2025 by recording the fact that the petitioner has 16 previous cases.

4. Learned counsel appearing for the petitioner would submit that, as of now, that there are only five cases against the petitioner; out of which, three cases were registered in the years 2016, 2020 and 2022 respectively for minor offences; that the co-accused was arrested and released on bail and prayed for



anticipatory bail to the petitioner.

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5. Learned Government Advocate (Crl. Side) appearing for the respondent police confirms the fact that the petitioner has five cases including the present case and those cases were registered in the years 2016, 2020 and 2022 respectively. He further submitted that the co-accused was arrested and enlarged on bail. Hence, he opposes the grant of anticipatory bail.

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

7. Considering the nature of allegations; that the similarly placed accused have already been enlarged on bail; that though the earlier petition in Crl.O.P.No.2814 of 2025 filed by the petitioner was dismissed on 05.02.2025, on the submission that the petitioner had 16 previous cases, which is not so, the respondent police has not arrested the petitioner so far and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 **the learned Judicial**



Magistrate No.II, Nagapattinam, on condition that the petitioner shall 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 condition that:

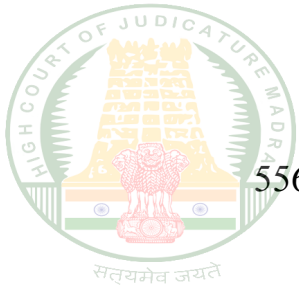
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW



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

27-03-2025

Jd

To

The State Rep by, The Inspector of
Police,
Thirukkannapuram Police Station,
Nagapattinam District. (Cr.No.4/2025)



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SUNDER MOHAN J.

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