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CRL OP NO.8135 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8135 of 2025

Abinesh

Petitioner

Vs

State Rep By,
The Inspector Of Police
S-8, Adambakkam Police Station,
Chennai District.
(Cr.No 409 of 2024)

Respondent

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. 409 of 2024 pending
on the file of the respondent police.

For petitioner : M/s.Thompson P
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 126(2),
296(b), 309(4), 311, 351(3), 125, 324, 191(2) and 191(3) of the BNS Act
in Crime No. 409 of 2024, on the file of the respondent police, seeks
anticipatory bail.



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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira on the ground that the petitioner has seven previous cases, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner along with the other accused robbed money from the petitioner's shop, assaulted and abused him in filthy language.

4. The learned counsel appearing for the petitioner submitted that though the earlier anticipatory bail application was dismissed by this Court *vide* order dated 13.12.2024, the petitioner was not arrested so far and the co-accused were arrested and released on bail and hence, sought anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the

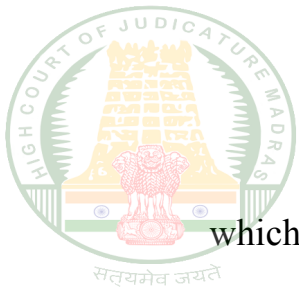


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petitioner, reiterated the prosecution case and submitted that the petitioner has seven previous cases registered during the year 2023-2024, that some of the cases have been disposed of. He further confirmed that the co-accused were arrested and released on bail.

6. Considering the aforesaid submissions and the nature of the allegations, that the petitioner was not arrested by the respondent police even after the dismissal of the first anticipatory bail application, that the co-accused were arrested and released on bail and as there is a change in circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

7. 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, Alandur, Chennai** 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



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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 every day 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 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
S-8, Adambakkam Police Station,
Chennai District..
2. The Judicial Magistrate No.II,
Alandur, Chennai.
3. The Public Prosecutor,
High Court Madras.

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