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Crl.O.P.No.7697 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 7697 of 2025

C.Suresh

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District. (Crime No.76 of 2025)

Respondent(s)

For Petitioner(s) : Mr.Mohamed Saifulla

For Intervenor : Mr.S.V.Karthikeyan

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

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.76 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS, in Crime No.76 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner and the de facto complainant are close friends; that on the date of occurrence, the petitioner along with his friends, who were in inebriated condition, went to the de facto complainant's house and watched cricket match; and during such time, accused 1 and 2 attacked the de facto complainant and thereafter, the petitioner had taken the de facto complainant to the hospital.

3. Learned counsel appearing for the petitioner submitted that there was wordy quarrel between the accused and the de facto complainant and subsequently, as a after thought, Section 3(1)(a), 3(1)(r) r/w 3(2)(va) of SC/St Act was included and projected that the incident took place only because the victim/de facto complainant belongs to the scheduled community. He further submitted that the petitioner is innocent; that he has been falsely implicated in this case and hence, he prayed for anticipatory bail for the petitioner. He also relied upon the judgment of the Hon'ble Supreme Court in *Prathvi Raj Chauhan Vs. Union of India and others* reported in (2020) 4 SCC 727.

4. Learned counsel for the de facto complainant submitted that it is not a sudden fight; that the petitioner had a grudge against the de facto complainant since he did not support him in an earlier case.



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5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that initially, the First Information Report was filed on 24.02.2025 and later, during enquiry, the report was altered on 10.03.2025 and SC/ST Act was included. and that the petitioner has no bad antecedents.

6. Heard both sides and perused the materials available on record.

7. This Court finds that admittedly the petitioner and the de facto complainant are known to each other. The allegation does not suggest that the occurrence took place because the de facto complainant belong to a particular community. Therefore, this Court is prima facie convinced that the provisions under SC/ST (PoA) Act, 1989 may not be attracted. The Hon'ble Supreme Court in the above said judgment has stated that if the prima facie case is not made out, anticipatory bail can be granted in appropriate cases.



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8. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the petitioner and the de facto complainant are close friends and that the alteration report was filed 15 days later 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.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Tirupattur**, 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



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the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, B1 North Beach Police Station, Chennai, 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 5560]*;

[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.

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To

1. The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.
2. The Judicial Magistrate No.II,
Tirupattur.
3. The Inspector of Police,
B1, North Beach Police Station,
Chennai.

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