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Crl.O.P.No.7801 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.7801 of 2025

1. Santhosh Kumar
S/o. Karthick

2. M. Akash
S/o. Manikanan

....Petitioners/Accused 1 & 2

Vs

The State Rep. by
The Inspector of Police,
T-15, Kannagi Nagar,
Kancheepuram

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest **in Crime No.94 of 2025** under Sections 296(b), 351(2), 115(2), 121(1) and 132 of BNS, 2023, pending on the file of the respondent police.

For Petitioners : Mr. Vinoth, R.

For Respondent : Mr. S. Balaji
Government Advocate (Crl. Side)



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ORDER

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2. The case of the prosecution is that the petitioners were riding a motorcycle without helmet; that when the police intercepted and asked the petitioners for vehicle documents, they informed the police personnel that they are lawyers and would bring the documents from the residence; that 10 minutes later, they came and abused the police personnel in filthy language and had also prevented the police from doing their duty and also refused to submit to breath analysis test. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the first petitioner is a lawyer and the second petitioner is a law student; that the allegations against the petitioners are false; that in any case custodial interrogation of the petitioner is not required and that they would



abide by any stringent condition that may be imposed by this Court.

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4. The learned Government Advocate(Crl. side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners had abused the police personnel stating that they were lawyers and questioned them as to how dare they could ask for vehicle documents.

5. Considering the aforesaid facts and the nature of allegations, this Court is of the view that custodial interrogation of the petitioners may not be required for the purpose of investigation. The first petitioner has already entered the noble profession and the second petitioner is likely to enter the profession, and they are expected to exhibit good conduct both privately and in public. However, considering the submissions made by the learned counsel for the petitioners that the petitioners are willing to abide by any conditions, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions with a hope that the petitioners would not repeat such actions and conduct themselves in a dignified manner in future. Both the petitioners shall do voluntary services in a Home for the Disabled run by Akshaya Trust, having office at No.99, Royapettah High Road, Rangaiah



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Garden, Mylapore, Chennai – 600 004, for a period of three days and on further condition that each of them should pay a sum of Rs.5,000/- (Rupees five thousand only) as donation to the said Trust.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif-cum-Judicial Magistrate, Sholinganallur**, on condition that each of the petitioner shall execute a 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 petitioners 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.



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[b] the petitioners shall report before the respondent police twice a week at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] The petitioners shall produce the proof (certificate from the person in charge of the home) that they had rendered voluntary services in the home run by **Akshaya Trust**, having office at No.99, Royapettah High Road, Rangaiah Garden, Mylapore, Chennai – 600 004 [Mobile No.92449 13690] and paid donation before the learned Magistrate within a period of three weeks from the date of execution of the bond.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



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

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bga

To

1. The District Munsif-cum-Judicial Magistrate, Sholinganallur
2. The Inspector of Police,
T-15, Kannagi Nagar,
Kancheepuram.
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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