



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 7747 of 2025

Santhosh Kumar

Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
Moranam Police Station.

Tiruvannamalai District. (Crime No.31 of 2025)

Respondent(s)

For Petitioner(s): Mr.M.Raja

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

PRAYER

To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.31 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), 351(3), 109(1) of BNS in Crime No.31 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 accused had abused the de facto complainant in filthy language and assaulted him with knife and iron rod.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that the allegations are false; and that in any case, custodial interrogation is not required. He further submitted that the co-accused in this case has already been granted anticipatory bail and sought for anticipatory bail for the petitioner.

4. 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 the injured has been discharged from the hospital. He further submitted that there are two previous cases against the petitioner and he is on bail in those cases.

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

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact



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that the co-accused has been granted anticipatory bail, the injured has been discharged from the hospital 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.

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, Cheyyar, Tiruvannamalai**, 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.



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**[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 5560]*.

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

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To

1. The Inspector of Police,
Moranam Police Station, Tiruvannamalai District.
2. The Judicial Magistrate, Cheyyar, Tiruvannamalai.
3. The Public Prosecutor, High Court of Madras.

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