



WEB COPY



Crl O.P.No.8233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8233 of 2025

S.Balasubramanian

Petitioner

Vs

The State Rep by,
The Sub- Inspector of Police,
J4, Kotturpuram Police Station,
Chennai.

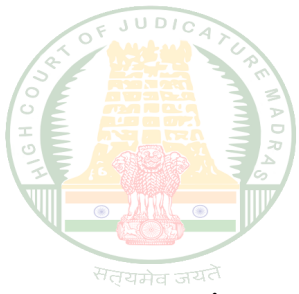
Respondent

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 C.C.No.6985 of 2003, on the file of IX metropolitan Magistrate, Saidapet pending on the file of the respondent police.

For Petitioner : M/s. Annakkodi Annakkodi
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341 and 323 of the IPC in C.C.No.6985 of 2003, on the file of IX Metropolitan Magistrate, Saidapet, on the file of the respondent police, seeks anticipatory bail.



WEB COPY

2. It is the case of the prosecution that the petitioner is involved in a case registered for the offence under Sections 341 and 323 of IPC; that a final report was filed in C.C.No.6985 of 2003; and that a Non-bailable warrant was issued against the petitioner on 30.12.2024.

3. The learned counsel for the petitioner would submit that the alleged occurrence took place in the year 2003; that the petitioner did not receive any summons; and that he had gone abroad and considering the fact that the petitioner is aged 88 years and a final report has now been filed, custodial interrogation is not required. Hence, he sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that final report was filed on 21.12.2024 and that the petitioner was shown as absconding in the final report.

5. Taking into consideration, the facts and circumstances of the case, the fact that the petitioner is aged about 88 years; that he was not arrested during the course of investigation and that final report was filed; that the occurrence took place in the year 2003, this Court is of view that



Crl O.P.No.8233 of 2025

custodial interrogation is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6. 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 of receipt of a copy of this order, before the **IX Metropolitan Magistrate, Chennai** on condition that 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 said Magistrate, 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 appear before the respondent police as and when required.

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

[d] the petitioner shall not abscond either



WEB COPY



Crl O.P.No.8233 of 2025

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

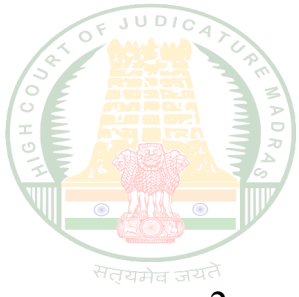
20.03.2025

vca

To:

1. The Sub- Inspector of Police,
J4, Kotturpuram Police Station,

4/6



Crl O.P.No.8233 of 2025

Chennai.

2. The IX Metropolitan Magistrate, Chennai
3. The Public Prosecutor,
Madras High Court.

WEB COPY

SUNDER MOHAN, J.



WEB COPY



Crl O.P.No.8233 of 2025

vca

CRL OP NO. 8233 of 2025

20.03.2025