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Crl O.P.No.8149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8149 of 2025

R.Gunasekaran

Petitioner

Vs

The State Rep by,
The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.
(Crime No.372 of 2024)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on
anticipatory bail in the event of arrest in Crime No. 372 of 2024 pending
on the file of the respondent police.

For petitioner:

Mr.M.Soundar Vijay Arulram

For Respondent:

Mr.S.Santhosh

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), 115(2), 118(1), 137(2), 303(2) and 351(3) of the BNSS in Crime
No.372 of 2024, on the file of the respondent police, seeks anticipatory
bail.



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2. The case of the prosecution is that the de facto complainant and the first accused had a money dispute; that the petitioner along with the other accused abducted the de facto complainant; and that they assaulted him with a chair and took away his mobile phone.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the other accused were arrested and released on bail and in any case, custodial interrogation is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the injured was discharged from the hospital and there are two previous cases as against the petitioner.

5. Considering the submissions on either side, the nature of allegations, the injured was discharged from the hospital; that the co-accused were arrested and released on bail, the petitioner is on bail in other previous cases and since custodial interrogation is not required, this



Crl O.P.No.8149 of 2025

Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 **learned XVII Metropolitan Magistrate, Saidapet, 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 report before the respondent police daily 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.



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Crl O.P.No.8149 of 2025

[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



Crl O.P.No.8149 of 2025

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To:

1. The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.
2. The XVII Metropolitan Magistrate, Saidapet, Chennai
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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CRL OP NO. 8149 of 2025

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