



WEB COPY



CRL OP NO.8266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8266 of 2025

1. Balaji
2. S.Bhuvaneswaran

petitioners/A1 & A2

Vs

State Rep By,
The Inspector Of Police
P-3, Vyasarpadi Police Station,
Vyasarpadi, Chennai – 600 039.
(Cr.No.90 of 2025)

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.90 of 2025 pending
on the file of the respondent police.

For petitioners : Mr.Kandasamy Bommuraj
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 296(b),
115(2) and 118(1) of the BNS, 2023 and r/w Section 4 of the TNPHW
Act, 2002, in Crime No.90 of 2025, on the file of the respondent police,
seek anticipatory bail.



CRL OP NO.8266 of 2025

WEB COPY

2. The case of the prosecution is that on account of prior enmity, the petitioners assaulted the de facto complainant's son with stone.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case, that they are innocent; that the petitioners have no bad antecedents and in any case, custodial interrogation is not required and sought anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, submitted that the injured was discharged from the hospital, that the petitioners have no bad antecedents and there is a counter case.

5. Considering the nature of the allegations, the petitioners has no bad antecedents, that there is a counter case, that the injured was discharged from the hospital and since custodial interrogation is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CRL OP NO.8266 of 2025

WEB COPY

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 X Metropolitan Magistrate Court, Egmore, Chennai** on condition that the petitioners 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 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.

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

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



WEB COPY



CRL OP NO.8266 of 2025

trial.

[d] the petitioners 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 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].

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

20.03.2025

vca



WEB COPY



CRL OP NO.8266 of 2025

To:

1. The Inspector Of Police
P-3, Vyasarpadi Police Station,
Vyasarpadi, Chennai – 600 039.
2. The X Metropolitan Magistrate Court,
Egmore, Chennai
3. The Public Prosecutor,
High Court Madras.



WEB COPY



CRL OP NO.8266 of 2025

SUNDER MOHAN, J.
vca

CRL OP NO.8266 of 2025

20.03.2025