



WEB COPY

Crl.O.P.No.8634 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.8634 of 2025

Mohan Biswal
S/o. Kamaraju Biswal

....Petitioner/Accused

Vs

The State represent by
The Inspector Police,
R6 Kumaran Nagar Police Station,
Chennai -83.
Cr. No.72/2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest **in Crime No.72 of 2025**, on the file of the
respondent police.

For Petitioner : Ms. S. Sadhana

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



WEB COPY

Crl.O.P.No.8634 of 2025



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) & 118(1) of BNSS Act, 2023, in Crime No.72 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, in the quarrel between the petitioner and the defacto complainant's husband over the parking of their vehicles, the petitioner abused the defacto complainant's husband in filthy language and attacked him with cement stone, due to which the husband of the defacto complainant sustained injuries and was admitted in the hospital. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that the petitioner has been been falsely implicated in this case; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and



prayed for anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the injured has been discharged from the hospital; that the petitioner has no previous cases and that the investigation is still pending, and opposed to grant anticipatory bail to the petitioner.

5. Considering the the nature of allegations against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases, the injured has been discharged from hospital, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned XXIII 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 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.

[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



WEB COPY

Crl.O.P.No.8634 of 2025



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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

24.03.2025

bga

To

1. The XXIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector Police,
R6 Kumaran Nagar Police Station,
Chennai -83.
Cr. No.72/2025
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.8634 of 2025

SUNDER MOHAN, J.

bga

Crl.O.P. No.8634 of 2025

24.03.2025