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Crl.O.P.No.8697 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8697 of 2025

Mohan
Son of Subarayan

....Petitioner/Accused-2

Vs

The State Rep. by
The Inspector of Police,
Pudhupalayam Police Station
(Crime No.33/2025)

....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 by the respondent police concerned in Crime
No.33 of 2025 on the file of the respondent police.

For Petitioner : Mr. M. Manoj

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



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 115(2) and 351(3) of BNSS Act 2023 (294, 324, 323, 506(ii) of I.P.C), in Crime No.33 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, due to previous enmity between the petitioner and the defacto complainant over the housesite, the petitioner along with the other accused abused the defacto complainant in filthy language, assaulted him with knife on his head and threatened him of dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that he is in no way connected with the offence and that 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.



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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 case and that the investigation is pending.

5. Taking note of the facts and circumstances of the case, considering the nature of allegations against the petitioner, submissions made by the learned counsels on either side, the fact that the injured has been discharged from the hospital, the petitioner has no previous case, 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 Judicial Magistrate, Chengam**, 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 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.

[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



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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

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To

1. The Judicial Magistrate, Chengam
2. The Inspector of Police,
Pudhupalayam Police Station
(Crime No.33/2025)
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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