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Crl.O.P.No.8840 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.8840 of 2025

Santhosh
S/o. Kaliyappan

....Petitioner/Accused -5

Vs

The State represented by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District
Crime No.110 of 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.110 of 2025**, on the file of the
respondent police.

For Petitioner : Mr. C. Mohan Raj

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 191(2), 296(b), 115(1) & 351(2) of BNS, 2023, r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 & 48(2)(4) of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence & Damage or Loss to Property) Act, 2008, in Crime No.110 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, since the first accused, who was in an inebriated condition, was not allowed to see her sister who was admitted in the Hospital for delivery, he along with the petitioner and the other accused, had abused the Hospital staff and attacked them and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit the allegations against the petitioner are false; that the petitioner is not involved in the said offence; that a false complaint has been lodged against



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the petitioner; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court, and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that A1 to A3 are arrested and are still in custody and that there is no previous case against the petitioner.

5. Taking note of the facts and circumstances of the case, considering, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no previous case and that the accused 1 to 3 are arrested and still in custody, 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



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from the date on which the order copy made ready, before **the learned**

Judicial Magistrate No.II, Hosur, Krishnagiri District, 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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, Chennai, 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.



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

26.03.2025

bga

To

1. The Judicial Magistrate No.II, Hosur, Krishnagiri District
2. The Inspector of Police,
Flower Bazaar Police Station, Chennai.
3. The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District
4. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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