



CRL O.P. No.9205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 27.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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Balu @ Balachandran S/o. Muthu ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Salem District.
[Cr. No.116 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Cr. No.116 of 2025 on the file of the respondent police.

For Petitioner : Mr. Nalliyappan.R.

For Respondent : Mr. S. Balaji,

Government Advocate

[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) of B.N.S. in connection with the case in Cr. No.116 of 2025, seeks



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anticipatory bail.

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2. The case of the prosecution is that the petitioner was involved in fishing in a public tank, in which the fishing was prohibited by the authorities on account of a dispute.

3. The learned counsel for the petitioner would submit that the petitioner has not committed the offence; that only to cancel the fishing rights which was already granted to the petitioner, the instant complaint has been lodged; and that in any case, custodial interrogation is not required and hence, sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the petitioner has one previous case, in which, he is on bail.

5. Considering the aforesaid facts, nature of allegations, the fact



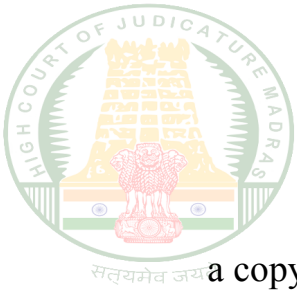
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that the petitioner is on bail in other previous case and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Attur** 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain



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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;

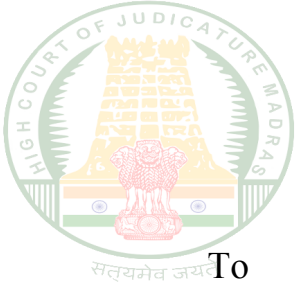
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

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1. The Judicial Magistrate-II, Attur.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Thalaivasal Police Station, Thalaivasal, Salem District.

SUNDER MOHAN. J.,

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