



Crl.OP.No.9368 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9368 of 2025

1.M.Sunil Zahariah
2.M.Samraj
3.M.Shine Mercy
4.Moses Devaraj Selvakumar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
M2, Milk Colony Police Station,
Chennai – 600 051.
(Crime No.614 of 2023)

.. Respondent

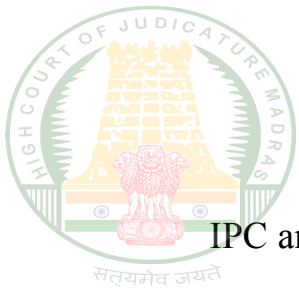
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of arrest in Crime No.614 of 2023 on the file of the respondent Police.

For Petitioner : M/s.Preethi Rangarajan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 294(b), 323, 506(1), 379 of



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IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.614 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on account of prior enmity, the petitioners assaulted the defacto complainant and abused her in filthy language; that the petitioners snatched 3 sovereigns of gold chain from the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners also lodged a complaint against the defacto complainant and in order to counter that, the present complaint has been lodged by the defacto complainant and that the injured has been discharged from the hospital and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirms that on the complaint given by the petitioners, a case has been registered and the case is



investigated as case and counter by the respondent.

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5. Considering that it is a case of case and counter, injured has been discharged from the hospital, the alleged occurrence took place in the year 2023 and since, custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 is made ready, before the **Judicial Magistrate, Madhavaram**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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



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copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 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 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 BNS.

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Index : Yes / No

Internet : Yes / No

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1.The Inspector of Police,
M2, Milk Colony Police Station,
Chennai – 600 051.

2.The Judicial Magistrate,
Madhavaram.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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