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Crl.O.P.No.9576 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.9576 of 2025

1. Dinesh
S/o. Krishnamoorthy

2. Divakar @ Shyam
S/o. Krishnamoorthy

....Petitioners/Accused 2 & 3

Vs

The State Rep. by
The Inspector of Police,
Saidapet Police Station,
Crime No. 90 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory
bail in the event of their arrest **in Crime No.90 of 2025**, pending on the file
of the respondent police.

For Petitioners : Mr. Balaji Thirumoorthy

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1), 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.90 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, due to the dispute with regard to drawing water in the pipeline, the petitioners attacked the *de facto* complainant with wooden logs and thus committed the aforesaid offence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they did not commit any offence; and that the petitioners are ready to abide by any conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioners.

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 and that the petitioners have no bad antecedents.

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5. Considering, the aforesaid facts, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the petitioners have no bad antecedent; that the injured has been discharged from hospital, 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 made ready, before **the learned IX Metropolitan Magistrate, Saidapet, Chennai**, on condition that each of 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:



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[a] the petitioners 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 petitioners shall report before the respondent police twice a week at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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].



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

01.04.2025

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To

1. The IX Metropolitan Magistrate, Saidapet, Chennai
2. The Inspector of Police,
Saidapet Police Station,
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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