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CRL OP NO.9694 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.04.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9694 of 2025

Giri @ Barath

Petitioner/A2

Vs

State Rep By,
The Inspector Of Police
Avinashi Police Station,
Tiruppur District.
(Cr.No 237 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on anticipatory bail in the event of arrest in Crime No. 237 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.P Kalimuthu
For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of the BNS Act Crime No. 237 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on account of previous enmity, the petitioner assaulted the de facto complainant with hands and iron incense burner and abused him in filthy language.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is innocent; that the petitioner has no bad antecedents; that the injured has been discharged from the hospital and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.

4. The learned Government Advocate (Crl. 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 injured has been discharged from the hospital and the petitioner has no bad antecedents.

5. Taking note of the facts and circumstances of the case, the nature of the allegations, submissions made by the learned counsels on either side, the petitioner has no bad antecedents, the injured was discharged from the hospital and since, custodial interrogation is not



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required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner are 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 Judicial Magistrate Avinashi** on condition that the petitioner shall execute a separate 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 every day at 10:30 a.m., until further orders.



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[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].

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

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To:

1. The Inspector Of Police
Avinashi Police Station,
Tiruppur District.
2. The Judicial Magistrate Avinashi.
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.
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