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Crl.O.P.No.10304 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10304 of 2025

1. Baskaran
2. Saraswathi
3. Periya Swamy

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Sevvappet Police Station,
Thiruvallur District.
(Crime No. 77 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.77 of 2025, on the file of the respondent police.

For Petitioner(s) : M/s. P. Chandra Sekar

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



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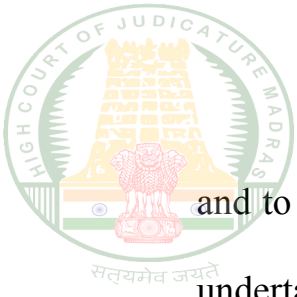


ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 118(1) and 351(3) of BNS (Sections 448, 324 and 506(ii) of IPC) in Crime No.77 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives; that on account of dispute with regard to payment of rent between the parties, a wordy quarrel arose; that thereby the petitioners, who are the owners of the house along with other accused abused and tried to assault the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and never committed any offence as alleged by the prosecution; that on account of the dispute, a wordy quarrel arose between the petitioners and the defacto complainant; that thereby the defacto complainant with ulterior motive lodged a false complaint against the petitioners; and that the petitioners are ready to produce solvent sureties



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and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the defacto complainant is a tenant under the petitioners; that on account of rental dispute, a wordy quarrel arose between the parties; that the petitioners have no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the petitioners have no bad antecedents 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



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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 Judicial Magistrate Court No.II, Tiruvallur** on condition that the petitioners 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 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 everyday 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.



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

07.04.2025

stn

To

1. The Judicial Magistrate No. II, Tiruvallur.
2. The Inspector of Police,
Sevvappet Police Station,
Thiruvallur District.
(Crime No. 77 of 2025).
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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