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Crl.O.P.No.10995 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10995 of 2025

1. Sarath Kumar
S/o. Muthuraj

2. Murali
S/o. Muthuraj

3. Raj Kumar
C/o. Erusan

....Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Sub-Inspector of Police,
Kavarapettai Police Station
Tiruvallur District
(Crime No. 70 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.70 of 2025**, pending on the file
of the respondent police.



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For Petitioners

: Mr. R. Parthiban

For Respondent

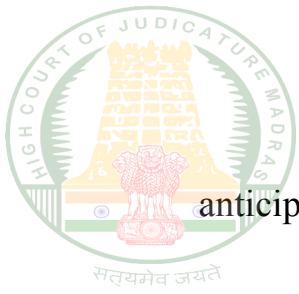
: Mr. S. Balaji
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS (under Sections 294(b), 323, 324, 506(ii) of IPC), in Crime No.70 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners abused the *de facto* complainant in filthy language, assaulted him and threatened him of dire consequences . Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the the petitioners are innocent; that the petitioners were not involved in the case; that the petitioners have been falsely implicated in the case and that the petitioners are ready to furnish solvent sureties and to abide by any conditions that may be imposed by this Court and prayed for



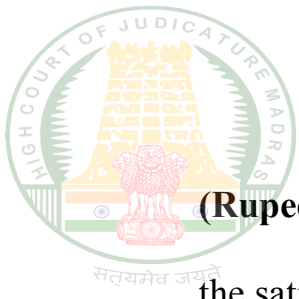
anticipatory bail to the petitioners.

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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 investigation is pending.

5. Considering, the nature of allegation against the petitioners; the submissions made by the learned counsels on either side and that the injured has been discharged from the 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 District Munsif-cum-Judicial Magistrate, Gummidipoondi**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/-**



Crl.O.P.No.10995 of 202

(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.

[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



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Crl.O.P.No.10995 of 2025



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.

15.04.2025

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To

1. The District Munsif-cum-Judicial Magistrate, Gummidipoondi
2. The Sub-Inspector of Police,
Kavarapettai Police Station
Tiruvallur District
3. The Public Prosecutor, High Court, Madras



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Crl.O.P.No.10995 of 2025

SUNDER MOHAN, J.

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Crl.O.P. No.10995 of 2025

15.04.2025