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Crl.O.P.No.10749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10749 of 2025

Sarathkumar

Petitioner(s)

Vs

The State Represented by,
Inspector of Police,
N-3 Muthialpet Police Station,
Chennai District.
(Crime No.46 of 2025)

Respondent(s)

For Petitioner(s) : Mr.P.Muthamizh Selvakumar

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

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.46 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 191(2), 126(2), 296(b), 115(2), 118(1), 351(3) of BNS, in Crime No.46 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 prior enmity, the petitioner along with other accused persons threatened the defacto complainant, abused him in filthy language and attacked him with bricks and also caused injuries to him.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged 20 years, and he has been implicated based on the confession statement of the other accused, and in any case, the custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the injured has been discharged from the hospital; that the accused A1 to A4 were arrested and still in custody and the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations; the fact that the petitioner was



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sought to be implicated based on the confession of the co-accused; the petitioner

has no bad antecedents and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is 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 learned **XVI Metropolitan Magistrate, George Town, Chennai**, 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 daily 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.

drl

09-04-2025

To

1. The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

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