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Crl.O.P.No.10750 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10750 of 2025

Sivasankar

Petitioner(s)

Vs

State Represented by,
The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai District.
(Crime No.129 of 2025)

Respondent(s)

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

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.129 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), 329(4), 296(b), 118(1), 351(3) of BNS, in Crime No.129 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other



CrI.O.P.No.10750 of 2025

accused at 12.30 a.m, trespassed into the house of the defacto complainant and

assaulted her with knife and caused injuries to her.

3. Learned counsel appearing for the petitioner submits that the allegations are false; that the petitioner's name is not found in the FIR; that the petitioner is sought to be implicated based on the confession of the co-accused; that the co-accused/A2 has been arrested and released on bail and prayed 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 petitioner, reiterated the prosecution case and on instructions, confirmed that the petitioner was implicated based on the confession of the co-accused; that A1 and A5 were arrested and are still in custody and that 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. Taking note of the facts and circumstances of the case, nature of allegations, the fact that the petitioner's name was not found in the FIR, the petitioner is sought to be implicated based on confession of co-accused; co-



CrI.O.P.No.10750 of 2025

accused has been released on bail; and since, custodial interrogation is not

required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 **XXIII Metropolitan Magistrate Court, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two **sureties** 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.**

SUNDER MOHAN J.



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CrI.O.P.No.10750 of 2025

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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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16-04-2025

To

1. The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

CRL OP No. 10750 of 2025