



Crl.OP.No.14025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.06.2025

CORAM
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR
CRL OP NO.14025 of 2025

G.Prabakaran

Petitioner

Vs

The State Rep By
The Inspector of Police
D-5, Karuppur Police Station,
Salem City.
(Crime No.891 of 2024)

Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on anticipatory
bail in the event of arrest in Crime No.891 of 2024 pending on the file of the
respondent police.

For Petitioner : M/s.V.Vadivalagia Nambi

For Respondent : Mr.R.Vinothraja

Government Advocate

(Criminal Side)

For Intervenor : Mr.Clinton James

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 296 (b), 115 (2), 118 (1),
351 (3) of BNS, in Crime No.891 of 2024, 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 pathway dispute the petitioner attacked the defacto-complainant with knife and abused him in filthy language. Hence the case.

3.The contention of the learned counsel for the petitioner is that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused has granted anticipatory bail. Hence, the custodial interrogation of the petitioner is not required and he prays for grant of anticipatory bail to the petitioner.

4.The 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 submitted that injured has been discharged from hospital. Petitioner is having two previous cases and he is on bail in other pending cases.

5.The learned counsel for defacto-complainant submitted that

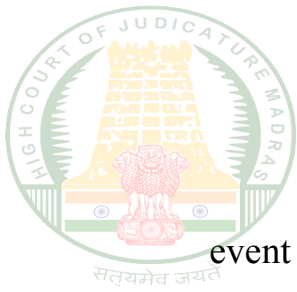


petitioner has been regularly attacking the defacto-complainant. Even four days before, the petitioner had attacked the defacto-complainant and complaint has been lodged and investigation is pending in C.C.No.447 of 2025. He further submitted that if the petitioner is released on bail he would commit similar offence. Hence he strongly opposed the grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and the learned counsel for intervenor and perused the materials available on record.

7.Considering the nature of the allegations, the fact that the injured has been discharged from hospital and the fact that co-accused has already been granted anticipatory bail and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the



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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 Court - II, Salem**, on condition that the petitioner shall execute a 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of two weeks; thereafter as and when required for interrogation;

[c] [i] the respondent Police shall call both the petitioner and the defacto-complainant and attempts to be



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made to resolve the issue since they are neighbors;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



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M.NIRMAL KUMAR, J.

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To:

- 1.The Inspector of Police
D-5, Karuppur Police Station,
Salem City.
- 2.The Judicial Magistrate -II
Salem.
- 3.The Public Prosecutor,
High Court Madras.

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