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CrI.O.P.No.11561 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 11561 of 2025

1.Balasubramani
2.Vignesh

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
B7 - Ponnerikkarai Police Station,
Kancheepuram District.
(Crime No.93 of 2025)

Respondent(s)

For Petitioner(s) : Mr.K.Duraimurugan

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

For Intervener : Mr.K.G.Senthilkumar

PRAYER To enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent in Crime No.93 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 296(b), 115(2), 118(1) and 351(3) of BNS, in Crime No.93 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner had driven his bike in a rash and negligent manner and dashed against the tractor ridden by the defacto complainant and caused injuries to him. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that the allegations are false; that the first petitioner was arrested and released on bail; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the second 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 confirms the fact that the first petitioner was arrested and released on bail; that the injured person has been discharged from the hospital and that the second 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. Since the first petitioner has been arrested and released on bail, this Criminal Original Petition is dismissed as infructuous with regard to first petitioner.



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7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the injured has been discharged from the hospital, the second petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second 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 **Judicial Magistrate No.II, Kancheepuram** 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 second 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;



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SUNDER MOHAN J.

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[b] the second petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the second 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 second 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

21-04-2025

To

1. The Inspector of Police,
Peelamedu Police Station,
Coimbatore City, Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

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