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Crl OP No.11620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11620 of 2025

Kamalesh

... Petitioner

Versus

The State Rep by,
The Inspector of Police,
Steel Plant Police Station,
Salem City,
Salem District.
Crime No.112 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.112 of 2025 on the file of the respondent police.

For petitioner : Mr.W.Camyles Gandhi

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

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(2), 109 of BNS, in Crime No.112 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that due to wordy quarrel, the petitioner along with other accused waylaid the defacto complainant, abused and attacked the defacto complainant with knife, and also caused injuries to the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has not committed any offence as alleged in the FIR; that he had also lodged a complaint against the defacto complainant in Crime No.113 of 2025 and hence 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 petitioner, reiterated the prosecution case and on instructions submitted that it is a case and a counter case; that the injured has been discharged from the hospital and that the petitioner has no bad antecedents.

5. Heard both sides and perused the materials available on record.

6. 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 there is a counter case, the injured has been discharged



from the hospital, the 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 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 **Judicial Magistrate No.I, 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, 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.

21.04.2025

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To

1. The Inspector of Police,
Steel Plant Police Station,
Salem City, Salem District.

2. The Public Prosecutor,
High Court of Madras, Chennai.

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