



Crl.OP.No.12205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12205 of 2025

1.B.Mohaideen Irfan
2.L.Joe Millton
3.Damotharan

.. Petitioners/Accused

Vs.

The State rep by
The Sub Inspector of Police,
E-5, Foreshore Estate, Chennai.
(Crime No.80 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.80 of 2025 on the file of the respondent Police.

For Petitioners : Mr.J.Manikandan
For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of the BNS Act, in Crime No.80 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 petitioners along with the other persons, due to previous enmity had attacked the *de facto* complainant. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case and in any case, custodial interrogation is not necessary and prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police re-iterated the prosecution case and on instructions submitted that the injured was discharged from hospital and that the petitioners have no bad antecedents.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.



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6. Considering the submissions made on either side and also nature of allegation, the injured was discharged from hospital, the petitioners have no bad antecedents and since custodial interrogation of the petitioners are not required for investigation, this Court is inclined to grant anticipatory bail to the petitioners with conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;



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SUNDER MOHAN, J.

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[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

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

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Index : Yes / No

Internet : Yes / No

To

1.The Sub Inspector of Police, E-5, Foreshore Estate, Chennai.

2.The XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

3.The Public Prosecutor, Madras High Court, Chennai.

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