



Crl.O.P.No.15346 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15346 of 2025

1.Kanthan
2.Mouly @ Chandramouly
3. Karthick @ Karthikeyan

... Petitioners

Vs.

State rep by
Inspector of Police
E-5, Foreshore Estate Police Station
Chennai District.
Crime No.139/2025

... 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 his arrest by the respondent police concerned in Crime No.123 of 2025 on the file of the Respondent.

For Petitioner 1 : Mr.W.Camyles Gandhis

For Petitioners 2 & 3 : Mr.M.Mani Gopi

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



CrI.O.P.No.15346 of 2025

WEB COPY

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 126(1), 118(1), 109(1), 351(3) and 311 of BNS, 2023 in Crime No.139 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.04.2025, at about 5.30 am, the defacto complainant along with his friend was sitting on the seashore opposite to Mullikuppam Society Hall. At that time, the petitioners along with other prime accused/A1 & A2 were conspired together to commit a murder of one Santhosh. Thereafter, the accused persons restrained the defacto complainant and his friend not to disclose the conspiracy, when the same was refused, A2 assaulted the defacto complainant with knife and A1 brutally attacked him with wooden log and the petitioners attacked the defacto complainant with wooden log, due to which, he sustained injuries and thereafter, the accused persons robbed a sum of Rs.650 and a mobile phone from the defacto complainant. Hence, the complaint.



Crl.O.P.No.15346 of 2025

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. It is the contention of the petitioners that 1st petitioner's wife is in advanced stage of pregnancy and he is the person to take care of his wife. It is his further contention that since the 1st petitioner had some previous cases, he has been falsely implicated in this case and it is highly unbelievable that he is an history sheeter of the year 2017. He would further submit that petitioners are ready to abide any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that petitioner is an history sheeted rowdy having three previous cases pending including one case registered under Section 307 of IPC. He also submits that petitioners along with other accused conspired together to eliminate one Santhosh which was over heard by the defacto complainant and hence, the petitioners along with other accused persons assaulted him and caused injuries. In this case, there are totally 5 accused,



Crl.O.P.No.15346 of 2025

out of which, other two accused were arrested and later, they were enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

6. Since the petitioners 2 and 3 had already been arrested, **the Criminal Original Petition stands dismissed as infructuous in respect of petitioners 2 and 3.** Considering the submissions made by the learned counsel appearing on either sides, the nature of allegations, considering the fact that the 1st petitioner's wife is in advanced stage of pregnancy and he is the only person to take care of his wife and also considering the fact that co-accused/A1 & A2 in this case have already been enlarged on bail, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

7. Accordingly, the 1st 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**



CrI.O.P.No.15346 of 2025

Magistrate, Saidapet, Chennai on condition that the 1st 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 1st 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 1st petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d] the 1st 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 1st petitioner shall make himself available for interrogation by a Police office as and when required;



CrI.O.P.No.15346 of 2025

WEB COPY

[f] the 1st 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 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

03.07.2025

nr



CrI.O.P.No.15346 of 2025

WEB COPY

To

1. The XXIII Metropolitan Magistrate, Saidapet, Chennai
2. Inspector of Police
E-5, Foreshore Estate Police Station
Chennai District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.15346 of 2025

M.NIRMAL KUMAR, J.

nr

Crl.O.P.No.15346 of 2025

03.07.2025