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CrI.O.P.No.15712 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CrI.O.P.No.15712 of 2025

1.Tamilselvan

2.T.V.Vinothkumar

... Petitioners

Vs.

State rep by
The Inspector of Police,
B-7 Vellavedu Police Station,
Avadi City.

(Crime No.139 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.139 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.Dinesh E

For Respondent : Mr.A.Gopinath

Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.139 of 2024 registered for the offence under Section 448, 294 (b), 324, 427 & 506 (2) of I.P.C.



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2.It is the case of the prosecution that the petitioners trespassed into the defacto-complainant's land and abused him and by using JCB, damaged the compound wall causing damage to the property and also assaulted him with iron rod and threatened with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they had been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Criminal Side) reiterated the prosecution case and on instructions further submitted that injured has been discharged from hospital. However, he opposed the grant of anticipatory bail to the petitioners.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.Considering the nature of allegations and the fact that the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial Magistrate-2, Tiruvallur**, on condition that the petitioners shall execute a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, on further conditions that:

[a] 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 petitioners shall report before the respondent police daily at 10.30 a.m. for two weeks; and as and when required for interrogation;



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

[d] the petitioners shall not tamper with evidence or witness 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 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*** reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

22.05.2025

ep/ata

Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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N.SENTHILKUMAR, J.

ep/ata

Copy to:

- 1.The Judicial Magistrate – 2,
Tiruvallur.
- 2.The Inspector of Police,
B-7 Vellavedu Police Station,
Avadi City.
- 3.The Public Prosecutor,
High Court of Madras.

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