



Crl.O.P.No.15698 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15698 of 2025

Amarnath

... Petitioners

Vs.

State rep by
Inspector of Police
Sendamangalam Police Station
Namakkal District.
Crime No.123/2025

... 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 : Mr.Ramesh

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

ORDER

The petitioner, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 126(2), 296(b), 351(3), 118(2)
of BNS, 2023 in Crime No.123 of 2025, on the file of the respondent police, seek
anticipatory bail.



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2. The case of the prosecution is that there was a dispute between the petitioner and the defacto complainant during a temple festival. Thereafter, on 16.05.2025, the petitioner's elder brother is alleged to have assaulted the defacto complainant with an iron rod . Due to which, he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner is ready to abide any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his 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 on instructions submitted that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the submissions made by the learned counsel appearing on either sides, the nature of allegation and considering the fact that the injured has been discharged from the hospital, 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 , Sendamangalam, Namakkal District** 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] if the 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 petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[f] the 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;



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[g] the 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 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];

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

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To

1. The Judicial Magistrate, Sendamangalam,
Namakkal District.
2. The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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