



CrI.O.P.No.16125 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16125 of 2025

1. Krishnamoorthy
2. Nitish Kumar @ Nithish Kumar ... Petitioners
Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District
(Crime No.277 of 2025). ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.277 of 2025 pending investigation on the file of respondent Police.

For Petitioners : Mr.R.Thirumoorthy
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 140(2), 191(2), 191(3), 127(2), 304(2), 296(b), 118(1), 115(2), 351(3) of BNS in Crime No.277 of 2025, on the file of the respondent Police, seek anticipatory bail.



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2. The case of the prosecution is that the accused had kidnapped the de facto complainant, tortured him and demanded money. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners herein are arrayed as A4 and A5. The petitioners are the room mates of the de facto complainant and they have helped the de facto complainant by way of giving money while he was searching for job and after getting employment, the de facto complainant started to ignore the petitioners and others. When the petitioners have asked to return the money, there was a dispute between them and on account which, the de facto complainant had lodged a complaint as if the petitioners and others have kidnapped him and demanded money. He also submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this court. Hence he prayed for grant of anticipatory bail to the petitioner

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners. He further submitted that due to jealousy towards the de facto complainant, as he secured a job with handful salary before



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the petitioners, the petitioners kidnapped him and demanded money. The de facto complainant managed to escaped from them and lodged a complaint.

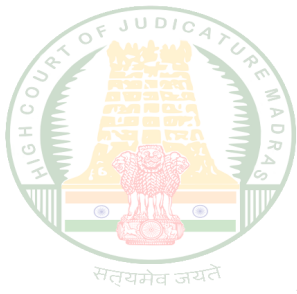
5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 on which the order copy made ready, before the learned **Judicial Magistrate No.I, Krishnagiri**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stands automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial



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Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

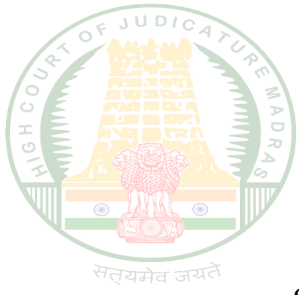
[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13**



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SCC 283];

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

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To

To

1. The Judicial Magistrate No.I, Krishnagiri
2. The Inspector of Police, Krishnagiri Town Police Station, Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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