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CRL OP No. 16313 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16313 of 2025

1. Mohan

Petitioner(s)

Vs

1. The State Rep. By
Inspector of Police , Kolathur Police
Station, Salem District.
Crime No.185/2025

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 483 of BNSS Act to enlarge the petitioner on bail in the event of arrest a case in crime No.185 of 2025 on the file of the Respondent.

For Petitioner(s): Mr.C.Deepak Kumar

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



ORDER

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The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 296(b), 115(2), 118(1) and 351(3) of BNS (294(b), 323, 324,, 506(2) of IPC in Crime No.185 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a property dispute, the petitioner allegedly abused and physically attacked the defacto complainant and her husband on May 24, 2025, at around 02.30 a.m., causing injuries to them. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. The learned counsel further submitted that the injured has been discharged from hospital. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police on instructions opposes for grant of anticipatory bail to the petitioner and confirmed that the injured has been discharged from hospital.

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, nature of the allegations, the injured has been discharged from hospital and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 No.1, Mettur** 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:

[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 daily at 10.30 a.m, for a period of two weeks;**

[d] the petitioner shall not directly or indirectly cause any



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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;

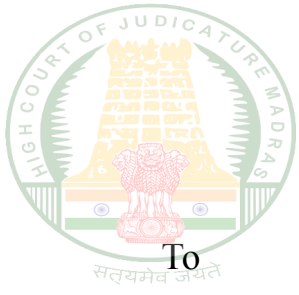
[g] the petitioner shall not abscond either during investigation or trial;

[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

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1. The State Rep. By
Inspector of Police , Kolathur Police
Station, Salem District. Crime
No.185/2025.

2. The Judicial Magistrate No.1,
Mettur.
3. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR, J.

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