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CrI.O.P.No.16358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16358 of 2025

Nirmalkumar

... Petitioner/A1

Vs

State Rep. by
the Inspector of Police,
R-6 Kumaran Nagar Police Station,
Chennai.

(Crime No.160 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on
anticipatory bail in the event of his arrest in Crime No.160 of 2025 on the file
the respondent Police.

For petitioner : Mr.S.Sriram

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 309(4), 311 and 351(3) of BNS, 2023 (341, 294(b), 323, 392, 398 & 506(ii) of IPC) in Crime No.160 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant stayed at the petitioner's house for a lease amount of Rs.2,00,000/-. The de-facto complainant paid the electricity bill to the petitioner and the same was not paid by the petitioner to EB department. Hence, service connection was disconnected. Thereafter, the de-facto complainant vacated the house and requested for repayment of the lease amount. But the petitioner failed to return the lease amount and hence the de-facto complainant left some of the belongings at the house and kept the same under lock and key. Thereafter, when the de-facto complainant went to the petitioner's house to take the



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belongings, the petitioner along with other accused assaulted and threatened the de-facto complainant with knife and took away a sum of Rs.300/-. Hence, the case.

3.The learned counsel for petitioner submitted that the petitioner is an innocent person and he has not committed the alleged offence. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner is a history sheeter and he has got 9 previous cases.

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



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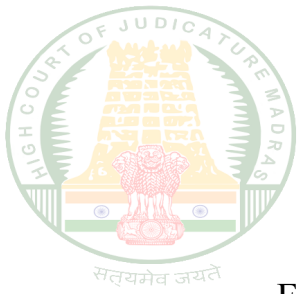
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6. Considering the facts and circumstances of the case and the submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 of receipt of a copy of this order, before the learned **XXIII Metropolitan Magistrate, Saidapet**, 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 said Magistrate, 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



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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 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 three 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 officer 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



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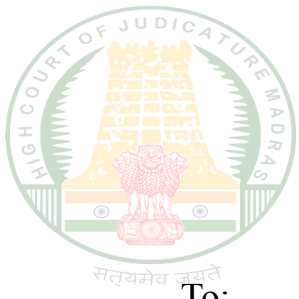
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action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(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 XXIII Metropolitan Magistrate,
Saidapet.

2.The Inspector of Police,
R-6 Kumaran Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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